CONSIDERATIONS

UPON THE

Second CANON

In the BOOK Entituled (2)

Conſtitutions and Canons Eccleſiaſtical, &c.

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SO various and fickle are the Circumſtances of Life, and ſo ſhort and full of Incumbrances is it at the beſt, that it were not worth while to be Man, had he not a God to ſerve, who could reward him with future Happineſs; and God having made this Life a ſtate of Probationerſhip, wherein Man is upon his good Behaviour, and according to his Demeanour here ſhall either be recompenced with Eternal Bliſs after this painful Life ended, or fall into endleſs Miſery: Upon this account Religion becomes more dear to him than all the things of this World put together: *For what ſhall it profit a Man to gain the whole World, and loſe his Soul?* But then Religion being the Worſhip of God according to his Will; that it may be our Guide to Heaven, it muſt not be ſought for in our Fancies, but from his Revelations and Diſcoveries; we ſhall deceive our ſelves, and cheat our ſelves out of our precious Souls, if we will make a Religion by ſtarting new Notions, and ſetting up Novelties; our Buſineſs is to find out the good Old way, and walk in it, deny our ſelves, and to dread and abominate the running a whoring after our own Inventions; and firmly to adhere to the Religion our Bleſſed Saviour hath left us, in which alone Salvation is to be obtained: And therefore, though not only the ſmootheſt Deceivers, but an Angel from Heaven ſhould teach us any other way, we ought not only to turn the deaf Ear upon their Perſwaſions, but account them accurſed. Now the Subſtance of what our Saviour taught, his Apoſtles and Evangeliſts wrote; but by reaſon of the diſtance of Time, the different Cuſtoms of Countries, the ignorance of the Occaſions, whereupon many things were wrote or ſpoken, and divers like Matters; in caſe of difficulty it ſeems to be the ſureſt way to have recourſe to thoſe Apoſtolical Perſons, and their Succeſſors treading in their Steps, and to thoſe firſt planted Churches, who, by reaſon of their nearneſs to the Apoſtles times had the beſt opportunity to underſtand their meaning, and alſo being continually under ſuch ſevere Perſecutions or Expectations of them, that they had no other hopes or comfort but Heaven, could not with any reaſon be thought to have any temptation or itch either to be inſincere in themſelves, or unfaithful to others: And in the great Degeneracy of the preſent

Christian World I think I may be bold to say, that, relation being had to her Constitutions, no Church in the Universe came nearer to the Primitive Pattern than the Church of *England*, which hath made her both the Envy and the Mark of all sorts of Sects and Parties; but this though it might and did cause her much trouble, yet by rendring her more wary and industrious, more careful of her Constitutions, and more watchful over her Members, perhaps did rather contribute to her Preservation than Destruction; in all likelihood not all their Malice could have prevailed against her, had not Vipers within her eat out her Bowels, or she by turning her Hand against her self become a *Felo de se*; and to this the present fatal Schism hath well near brought it: The *proud swelling Swearers* have carried away the greatest part of her Members, and whilst they hug themselves in their Wealth and Wickedness, are become the Scorn and Derision of the meanest Sectaries and wildest Fanaticks: And as for those who have retained their Integrity, and with whom the true Authority remains, the haughty Schismaticks insolently reproach them, as too few to bear the weight of so great a Cause; and indeed in the Eye of Humane Reason it could not be thought that they could long hold out against so many, who thirst for their Bloud, were not their Cause God's Cause, who can support them notwithstanding the violence of any Arm of Flesh, and doubtless will, if they be not wanting to their own part. But after all, perhaps the *boasting Apostates* may deceive themselves in the fewness of their number: For though the Clergy to the Eternal Shame of the Deserters be not exceeding numerous, yet they are pious, learned and stout; and their Adherents, as they are more, than their Adversaries could wish or are aware of, so are they steady, devout and sober; and Men now begin so generally to see through the Mask, that they daily more incline to the one, and become more averse to the other: Neither are there wanting multitudes of sober Men abroad, who are highly concerned for their Case, as may in part appear by a Letter out of another Kingdom, which hath occasioned the ensuing Discourse, the Contents whereof (so far as concerns this Matter) are *Verbatim* as followeth.

SIR,

I *Confess my self very much a Stranger to the Constitution and Policy of the Church of* England; *I humbly crave Pardon therefore, if this Line is useless; if it proves useful, I have my Reward.*

I have seen some of those excellent Books, which have been lately written in defence of the present Separation from the complying Church of England. *I am fully satisfied, that it is defended on very firm Grounds: Yet one Topick there is, which I have not observed made use of; it is this:*

The second of those which are commonly called the Canons of the Church of England, *declares all those excommunicated* ipso facto, *who do not own the King's Authority*, &c.

By

By King, That Person is to be understood, (according to the undoubted Principles of the Church of England*) who is possest of the Throne according to the Civil Constitution of the* English *Hereditary Monarchy: Whosoever disowns his Authority,* &c. *by the Canon incurs the Sentence of Excommunication* ipso facto.

Excommunication ipso facto, *or* latæ sententiæ, *(as they call it,) must needs import at least, That the Church of* England *declares those to be none of her Communion, who publickly, notoriously, and obstinately disown such a King's Authority: Such ought to be deemed and treated as Excommunicates, without farther judicial Process or Sentence. The Nature of* ipso facto *Excommunication cannot bear less, as is evident to all who know any thing of the Canon Law, by which that is made the proper difference betwixt* Excommunicatio latæ *and* ferendæ Sententiæ.

From these Grounds it seems to me to follow pretty naturally, That King James *has either quite lost his Right, or the Compliers, the Jurors, the Revolutionists, (if I may so call them) are not, cannot be the Church of* England; *so that the main of the Controversie hangs much on this* Dilemma: *Either King* James *has lost his Right, or he has not; if he has, and King* William's *Right is good, the Non Jurors or Anti Revolutionists are excommunicated* ipso facto *by the Canon, and may be charged with the horrid Guilt of Schism: But if he has not lost his Right, then the Jurors, the Revolutionists are excommunicated* ipso facto *by the Canon; by consequence they cannot be the Church of* England, *they have incurred her Censures, are cut off from her Communion, her sound Members ought not to communicate with them: And the Anti-Revolutionists, how few soever, are the only Church of* England. *I have stated this Reasoning but very briefly, you may easily examine it more fully; and if it holds, I have my purpose: For when it is enquired into and found solid, it may deserve its proper place in some Book or other, that may after this be written on the Controversie. Besides, it may be useful for obviating that popular Plea against the Separation, That the Original Question is only of Civil Concern, and ought not to affect the Interests of the Church: For from these Grounds it appears, that in the Opinion of the Church of* England, *which made the Canons, it was of such concern, as to have the highest Censures of the Church interested in it, and to be made a fundamental term of her Communion. If after it is examined by Men of better Judgment, and better skill'd in the concerns of the Church of* England, *it shall,* &c.

The Canon, to which the Author of the Letter refers.

'WHosoever shall hereafter affirm, that the King's Majesty hath not the same Authority in Causes Ecclesiastical that the Godly Kings 'had amongst the Jews, and Christian Emperors in the Primitive Church, 'or impeach in any part his Regal Supremacy in the said Causes restored to 'the Crown, and by the Laws of the Realm therein established: Let him 'be excommunicated *ipso facto*, and not restored but only by the Arch-'Bishop after his Repentance, and publick Revocation of those his wicked 'Errors.

Before

Before I come to explain the intent and force of this Canon, I think it convenient to ſet down a Poſition in the firſt Canon, which *all Perſons having Cure of Souls, and all other Preachers and Readers of Divinity* are obliged *to the uttermoſt of their Wit, Knowledg and Learning, purely and ſincerely, (without any Colour or Diſſimulation) to teach, manifeſt, open and declare four times every Year at the leaſt.* And whether this hath been done, or, if done, with what Sincerity by the greateſt part, let the World judge by their preſent and late Actings. And it may be farther obſerved, that this Poſition is levelled as well againſt all Civil as Eccleſiaſtical Foreign Powers, as may appear not only from the Words in it, but from our Laws and Statutes, (which ſhall hereafter be produced,) which this was deſigned to ſtrengthen and confirm, That the Spiritual Sword might afford what aſſiſtance it could to the Secular, and both Powers concur to ſecure the Lawful Supream Governour, upon whoſe Safety and Welfare the Well-being of both ſo much depended.

The Poſition in the firſt Canon.

" That all Uſurped and Foreign Power (foraſmuch as the ſame hath no " eſtabliſhment nor ground by the Law of God) is for moſt juſt Cauſes ta- " ken away and aboliſhed; and that therefore no manner of Obedience, or " Subjection within his Majeſty's Realms and Dominions is due unto any " ſuch Foreign Power: But that the King's Power within his Realms of " *England*, *Scotland* and *Ireland*, and all other his Dominions and Countries, " is the higheſt Power under God, to whom all Men, as well Inhabitants, as " born within the ſame, do by God's Laws owe moſt Loyalty and Obedi- " ence, *afore and above all other Powers and Potentates in Earth.*

I do not deny, but that the Uſurpations of the Court of *Rome* were the occaſion of laying down this Poſition; but then though the occaſions of Laws or Canons are particular, yet the Law or Canon it ſelf is general againſt all Miſchiefs whatſoever of the like kind. If the occaſion of the firſt Law againſt Murder had been the cutting a Man's Throat, no State whatſoever would be ſo weak as to make a Law only againſt cutting of Throats, and leave bloudy Men free to uſe all other ways; but their Law would be made general to prevent the killing any Man either with Knife, Sword, Piſtol, Fiſts, or any other way or means whatſoever; otherwiſe at this rate we muſt have a particular Law for every particular Fact: It were a ridiculous thing to make a Fence againſt the Encroachments and Uſurpations of the *Roman* Court, and to leave open a wide Gap for all others to enter in at pleaſure. For though we may juſtly have particular Apprehenſions of the Aſſuming Man at *Rome*, yet we have the ſame reaſon againſt all Uſurpations, as being equally pernicious to us from what Quarter ſoever they come.

But

But that we may come nearer to the Buſineſs, both this Poſition and the fore-cited Canon are equally acknowledged by both Parties engaged in the preſent Controverſie; both Non-Jurors and Jurors aſſert themſelves to be the Church of *England*, and lay claim to the Canon as a Canon of their Church; if therefore the Canon be violated, there can be no Cotroverſie betwixt either Party, but that the Penalty mentioned in the Canon belongs to the Violators; ſo that if either Party appear guilty, the Penalty muſt be fixed by conſent. Now for both Parties to get quit of it is impoſſible; this Thunderbolt muſt unavoidably fall upon the one or the other: For if King *James* be our true and lawful Sovereign, then the Regal Authority is his; and conſequently the Supremacy, which is the choiceſt and top Branch of that Authority; and if ſo, then the Jurors, who not only deny King *James*'s Supremacy, but have to their Power diveſted him of all Authority, muſt inevitably ſtand excommunicated *ipſo facto* by vertue of this Canon, the force of which themſelves acknowledg. On the other hand, it is not to be doubted but the Jurors will not be wanting to themſelves in charging the Non-Jurors with the ſame Guilt, for not worſhipping the Idol which they have ſet up, and which hath been more chargeable than ever was *Nebuchadnezzar*'s Golden Image. Now the Mighty Dr. *Sherlock* tells us, *That we cannot have two Kings at once*; and though I am not ſatisfied, that the Doctor's Propoſition is univerſally true, (for *David* cauſed *Solomon* to be anointed and proclaimed King in his Life-time without diveſting himſelf, and the like did our King *Henry* II. to his no ſmall Trouble;) yet in this Caſe where the two Titles claſh and mutually deſtroy each other, ſo that if the former be Rightful King, the latter muſt be an Uſurper; if the latter have acquired a Right, the former muſt have loſt his; there it is moſt certain that we cannot have two Kings at once. Now for their New-faſhion'd King, they may take the beſt care of him they can; that which lies on us is to prove the Right in King *James*, which even Dr. *Sherlock* acknowledgeth; and that very thing makes his *de facto* King to be but another Name for an Uſurper: For a bare *de facto* King is no more a King, than a Poſſeſſor *malæ fidei* is the true Proprietor of an Eſtate, which he hath unlawfully and unjuſtly thruſt himſelf into. Now the Right being ſuppoſed, the Powers and Authorities are inſeparably annexed to it, though by prevailing Wickedneſs, or other Means, the Exerciſe may for a time be ſuſpended; and then the denying or oppoſing this Authority doth incur the Cenſure of this Canon. Now that King *James* is our Lawful Rightful King hath been clearly proved by ſo many learned Pens, that I may well ſpare my pains; and therefore ſhall take notice of it only as it were *in tranſitu*, and ſo far forth as is needful to make for the directing the Cenſure of this Canon, and explaining it.

Several Pleas are ſet up by our Adverſaries, to prove that King *James* hath loſt or ſome way or other quitted his Title; but as moſt of their Pleas fall foul upon each other, and as deſtroying one another cannot be all true, ſo neither dare they tell us which they will ſtand to; that which deſerves

to

to come in the Van is the Plea of a juſt *Conqueſt*, which ſwallows up not only the Title of the King, but the Rights of all the Subjects; and this no doubt will make a brave Deliverance from Slavery: I cannot tell whether this way of arguing be more baſe or bold; yet herein amongſt others have engaged themſelves the *Welſh Prophet*, the *Scotch Apoſtle*, and (leſt the Mountebanks ſhould want their Zany) the *Biſhopſgate-ſtreet Doctor*, who whilſt he thought himſelf fallen under Diſgrace with his Maſter, and neglected, began to bellow, *What! two Kings, two Arch-Biſhops? &c.* but ſee how great is the Policy in underſtanding the Proverb, *da offam Cerbero:* For no ſooner was an Offer made of a good fat Prebend, but the Fowl not only came to the Lure, but Ingratitude undertook to rake into poor martyred Mr. *Aſhton*'s Aſhes, and anſwer his dying Speech: But it ſeems to be much ſafer medling with the Dead than the Living; for though he hath been ſomewhat roughly handled for this by the Author of the *Loyal Martyr*, yet ever ſince he hath been as mute as a Fiſh. But after all there is no Anſwerer like a thing called a Parliament; they do it effectually, as Dr. *Burnet* to his great Mortification now very well knows: And though this be indeed only *argamentum ad hominem*; yet it is enough for me here, becauſe our Adverſaries muſt acquieſce in it: For they who own a Government, muſt not, ought not to ſet that Government upon ſuch grounds, as the Government it ſelf not only diſowns but condemns: And ſo Farewel *Conqueſt*.

The next celebrated Argument is a Jumble of *Deſertion and Abdication:* But this, if it were true, would not do their work. For he that deſerts or abdicates, deſerts and abdicates for himſelf; the Rights of others are ſaved, it lies not in his Power to give them away: So that if it could be ſuppoſed, that King *James* had abdicated or deſerted, yet that would give *William* and *Mary* no Right, unleſs they had it elſewhere; for upon ſuch Abdication or Deſertion, our Conſtitutions had immediately ſet the Crown upon the Head of the next Heir: And there is one before them, againſt whoſe Innocence nothing can be pretended; and it is the heighth of Impudence to blaſt ſuch Innocence with the Name of an Impoſture, and never offer the leaſt proof of it, though they have been ſo often provoked and dared to it. If therefore King *James* had really and truly abdicated or deſerted, then the Prince of *Wales* at that inſtant had become our King. Now they deny the Authority of the Son, as well as of the Father; and therefore either the one way or the other muſt be entangled in this Cenſure. But after all, the Aſſertion it ſelf is a notorious ſhameleſs Falſhood: For a Deſertion in this caſe muſt be altogether voluntary, and ſo voluntary, that there ought not in reaſon to be thought, that there was at that time ſo much as *animus revertendi*; nay let it be never ſo voluntary, yet an Author of their own, (who thinks himſelf no ſmall Babe, and was no idle Promoter of the Revolution,) will not allow it to be good in Law, unleſs an *Huy and Cry* be ſent after him, and forty days notice being given, he refuſe to return. But how will this agree with his Propoſal to the City by the Biſhop of *Wincheſter?* With his

Letter

Letter from *Rocheſter*? With his Letter to the Convention? With his landing in *Ireland*, and uſing all Endeavours to regain his Right, though betrayed and beaten back by his faithleſs Subjects? And with the imploring the aid of his Friends, and the claiming his Right, and calling upon his Subjects to return to their Allegiance, and come in to his Aſſiſtance? When they can prove that claiming is renouncing, and that the utmoſt endeavour a Man can uſe to regain his Right is the real and abſolute quitting of it; then they may prove this to be Deſertion: Certainly theſe Men never knew what bluſhing was. As for Abdication in this place it muſt be underſtood actively, as a Man is ſaid *abdicare ſe Magiſtratu*; but that requires a formal Renunciation or Reſignation: But why is it not produced? Or rather, Why have not theſe Men, who ſtick at nothing, forged one in all this time? Though it will be very difficult to impoſe upon Men with a counterfeit Reſignation of a Man, who apparently all along hath ſo ſtrongly and conſtantly claimed: But I need not inſiſt on this any longer, becauſe the very Arguments which confute Deſertion, deſtroy Abdication; of which any may read enough to their Satisfaction in *Deſertion diſcuſs'd*, and many other learned Tracts handling that Subject.

There is another Mongrel Plea ſet up by the *de facto* Men; I know not well what to call it, nor to what Topick to refer it. Theſe Men without any regard to Conſcience, Faith, or common Honeſty, are for ſecuring their Worldly Enjoyments, and making their preſent Markets; and they boldly tell you that you are bound in all things to obey *the King in Poſſeſſion*: But what if a *King in Poſſeſſion* ſhould prove a Contradiction *in terminis*? When a Perſon is in Poſſeſſion of a Throne without Right, and in oppoſition to a juſt Right, all the World hath hitherto accounted ſuch an one an Uſurper, not a King; but with theſe Men, all the World before them were Fools: For if they ſay true, there can be no ſuch thing as an Uſurper. But this is the leaſt evil of this perfidious Notion: For it turns the World into a bloudy Theatre, makes every thing a Prize to every Man, who by fighting, ſcrambling, cheating, or any other means can get Poſſeſſion of it; deſtroys the nature of Right and Wrong; reſolves all Right into Poſſeſſion; and renders all Laws both Divine and Humane (ſo far as relates to Property) unneceſſary, uſeleſs, and inſignificant.

But I may very well ſpare any farther pains in this particular; becauſe of late their much admired *Julian Johnſon*, though he is pleaſed ſo liberally to make a *Sacrifice* of the *Doctrine of the Croſs*, yet hath very pleaſantly, and indeed ſoundly confuted the whole Croud of all his Brethrens Arguments; and thereby to their great grief bereaved them of all their Topicks, wherewith they were uſed to blaſpheme God in the Pulpits on their Mock-Thankſgiving-Days. Nor doth his Performance ſeem any way diſpleaſing even to the Government it ſelf: For though his Book was preſented openly at the Parliament-Door, yet it not only ſtands uncenſured, but is thought to have been the great occaſion, that the *Salisbury Dictator*'s Book was doom'd to be

burnt by the hands of the common Hangman. But to make some amends for this triumphant Squander he hath set up a Plea of his own; and indeed to do him justice, he hath bid the faireſt to set the present Government upon some bottom, if it could be possibly set on any: For if he could make it appear, that the late Proceedings were warranted by our Constitutions, he would speak more to the purpose than all that hath been said hitherto; but I doubt not but to make it appear, that our Constitutions utterly overthrow his Plea.

Now this knocking Argument, which will suffer nothing to stand before it, is only *Abdication* still; but then it is indeed a Passive Abdication, wherein the Person abdicated is a Sufferer, and is abdicated not by his own act, but by another, who hath a certain Right in him, and Superiority over him; as a Father is said *abdicare Filium*. He seems inclinable rather to call it Abrogation, than Abdication; a Word which seems harsh with respect to Persons, though proper as to Laws; and yet in the Verb is sometimes used in that Sense by later Historians; but *abdicare* properly respects Persons. However to his purpose he tells us, *That the People of* England *did actually abrogate or dethrone King* James *the Second for Misgovernment, and promoted the Prince of* Orange *in his stead*. By the *People* I suppose he means not the diffusive Body, but their Representatives; for as the former seems impracticable, so it is evident that the Feat was done by what they called a *Convention*; and afterwards ratified by what they call a *Parliament*. But herein he and his Masters cannot agree; for they put it upon an Active Abdication, which *Julian* seems by no means willing to allow: For they say expresly, *That King* James *abdicated the Government, and that thereby the Throne became vacant*. So that all they pretend to is to supply a Vacancy, (whether there can be any such thing by our Constitutions in our Government, I do not here dispute,) and provide a Remedy against a grand defect, when there was no King in *Israel*; and in that very place, where he cites the Word *abdicate* in *Tully*, it is taken in an Active Sense: For after they had driven away their Kings, the highest share of the Regal Power was conferred on the Consuls; and when *Mark Anthony* offered a Crown to *Cæsar*, if he did not *expresly*, yet he *effectually* renounced his Consulship: For had *Cæsar* accepted it, he could no longer have been the Consul of a popular State, but must thenceforth have acted by Authority from *Cæsar*, or not at all: So that this would have been no Forfeiture, but a real giving up his Power. But contrary hereto Mr *Johnson* fairly makes King *James* tenacious enough of his Authority, and tells us, that the People *abrogated and dethroned him*; a Power which the Convention knew not of, nor did so much as pretend to: they had done wisely, if they had consulted this Learned Man to understand their own Power, before they had gone about their work. For though he contradicts them, yet he makes them much greater than they were aware of; and hath not only set the Subjects above the Sovereign, but hath advanced the House of Commons into the place of the Almighty God of Heaven,

ven, giving them Power *to pull down and ſet up Kings*, as they ſhall judge fit and convenient.

But I hope we are not ſo bound to follow Mr. *Johnſon* with an implicit Faith, but that we may examine upon what Grounds he hath given Subjects ſuch a Paramount Authority over their Sovereign: And for this he urges in the firſt place, a Meſſage to King *Richard* the Second, then at *Eltham*, wherein his Parliament averrs, that in the caſe there mentioned, it is lawful for them *ipſum Regem de regali ſolio abrogare, & propinquiorem aliquem de ſtirpe regia loco ejus in Regni ſolio ſublimare*: And for this Power in the ſame Meſſage they plead only an *unknown Statute*, and the infamous Precedent, and barbarous uſage of *Edward* the Second. Had not Diſcontent and Anger blinded them, they would have been aſhamed of their Precedent; and for their Statute, neither they nor any other have tranſmitted it to us: So that it ſeems they durſt not truſt any with the examination of it. But, if he pleaſe, to make amends for that Defect, I will recommend to Mr. *Johnſon*'s ſecond Thoughts a known Statute in the Reign of the ſame King *Richard* the Second; wherein it is judged *High-Treaſon for any Perſon to compaſs the King's Death, to depoſe him, or make War againſt him within the Realm, or to render up his Homage*, 21 Ric. 2. Where we ſhall find his Statute I know not; but this is to be found in our Statute-Book, and in the ſame King's Reign, againſt whom he ſets up a contrary Plea: If no Subject can render up his Homage, (which by the way I take to be much the ſame with Dr. *Burnet*'s *transferring his Allegiance*, wherein of late he hath had too many Followers,) nor raiſe War againſt his Prince, nor depoſe him, without being condemned by the Law for a Traitor; I would fain know how he will reconcile his unknown Statute to this known one.

We are hard put to our Shifts when we are forced to run eight hundred Years backwards for a piece of a Sentence that may ſeem to look favourably on our Cauſe; And what good at laſt will King *Alfred*'s Stile do him, *Dei Gratia & Benevolentia Weſt-Saxonica Gentis*? I confeſs he has a hard Task, and bad Game to play, who, through the Artifices of deſigning Knaves, labours under the ill Opinion and hard Thoughts of his Subjects; and it was a ſingular Happineſs to King *Alfred*, that he had the *Good Will* and the very Hearts of his People: But though King *Alfred* for his Piety, Juſtice, and Bravery, might ſtand for an eternal Pattern to all Kings that come after him; yet no Perſon that ever ſat on the *Saxon* or *Engliſh* Throne ever acted with a freer or fuller Power than he did, as will plainly appear to any that read his Hiſtory: Nor indeed was it poſſible for him to have done thoſe great Things which he did, had he been ſhackled with thoſe Fetters which our Demigogues endeavour now to hang upon Kings, with pretence indeed to curb their Extravagancies, and reſtrain their exorbitant Power, but with a real deſign to drive out all Kings, and introduce a Democracy, nick-named a Common-wealth, the moſt unquiet, troubleſome, and moſt arbitrary and tyrannical of all Governments.

But to what purpoſe is all this Stuff? Are we to judge of our Conſtitutions by the blind Tale of a little Hiſtorian, or the contradictory Saying of an old Moth-eaten Lawyer, who wrote in difficult Times, trod upon Thorns, and was under a kind of Neceſſity to write ſo, as that he might avoid the Rage of the ſeveral incenſed Parties? What a woful Condition are the People of *England* in, if they muſt look five, ſix, ſeven, or eight hundred Years downward for what they are to do now, and to learn wherein and how far they are to obey their King? Such Things fall in few Hands, and are read by fewer, and perhaps well conſidered by feweſt of all. Will Mr. *Johnſon* have the preſent State of Affairs reduced to what was ſo long ſince? Or will he be content that his Almighty Houſe of Commons ſhould be laid aſide, becauſe there was no ſuch Houſe at the time from whence he fetcheth ſeveral of his Authorities, or at leaſt not ſuch a Houſe as is now under the preſent Conſtitutions? And therefore I muſt beg his Pardon, if in this caſe I little regard his far-fetch'd Stories, and am bold to tell him, that we are not to be ruled or guided by odd Remnants of Antiquity in this matter, but by our preſent Conſtitution; and if he can make that agree with his Old Stories, he will go near to carry the Cauſe; but if he cannot, then both he and all the Revolutioniſts will ſtand for ever condemned by it.

Now I know not how to come to the knowledg of our Conſtitutions better than by our Laws; and then for a Proteſtant Kingdom, it may be convenient to look ſo high as the firſt eſtabliſhment of Religion under that odd Title, and to compare and view the agreement of our Laws all along from the firſt enterance of the Proteſtant Religion to the very time of King *James*'s pretended Abdication. And here, if I go ſo high as *Henry* the 8th, yet I think I need go no farther than Queen *Elizabeth*, and ſo trace Things to our own Time, we ſhall thence learn the preſent Obligations we lay under, when this Revolution came upon us.

I am not willing to create a Quarrel, whether *Henry* the 8th were Papiſt or Proteſtant; I will freely give the Papiſts my ſhare in him: For he that ſo robb'd the Churches, that many Pariſhes have not Revenues to find a Miniſter Bread; and burnt Proteſtants becauſe they would not become Papiſts; I think is much fitter for them, than for us: But be he what he will, I cannot find that either he or his Parliament owned Mr. *Johnſon*'s Doctrine. In the 24th of his Reign, *cap.* 12. you will find it thus Enacted. 'Where 'by divers ſundry old Authentick Hiſtories and Chronicles, it is manifeſtly 'declared and expreſſed, That this Realm of *England* is an Empire, and ſo 'hath been accepted in the World, governed by *one Supream Head and King*, 'having the Dignity and Royal Eſtate of the Imperial Crown of the ſame; 'unto whom a Body Politick, compact of all ſorts and degrees of People, 'divided in Terms, and by Names of Spirituality and Temporality, been 'bounden and owen to bear, *next to God*, a natural and humble Obedience. Here a Parliament declares him *Supream*, ſubjects him to none *but God*; and

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in the next following Words gives him *plenary, whole, and intire Power, Pre-eminence, Authority, Prerogative and Jurisdiction.* And this they declare to be no new thing, but to be taught by old Histories and Chronicles, whose authentickness they vouch. Now one would think that such authentick Histories, and such Vouchers, should make a better Authority than Mr. *Johnson*'s *Knighton.* But it is so well known what Authority *Henry* the 8th challenged, and was owned by his Subjects, that I need not insist upon it: Had our Author come abroad then with his new Inventions, he himself perhaps would have found little better usage than Dr. *Burnet*'s *Pastoral Letter.*

As for King *Edward* the Sixth, we do not find that he any ways departed from the Authority his Father left him; but though a Prince of great Hopes, and pious Inclinations, yet by the Seducements of some ill Persons about him, entered farther upon the Ecclesiastical Authority than ever his Father did; how justly I leave others to judge, I cannot commend it. And then for Queen *Mary*, *all Dignities, Prerogative Royal, Power, Pre-eminence, Priviledges, Authorities, and Jurisdictions*, are as *fully, wholly, absolutely, and entirely* invested in her, as in her Father, or any her Predecessors, by the Statute 1 *Mariæ, Par. Sec. Cap.* 1.

To avoid tediousness, I shall only touch upon such Statutes as speak home to this purpose; and now we come to that which all sorts of Persons, except Papists, as with one Mouth stile the best Reign: I mean the admired times of Queen *Elizabeth*, in the first Year of whose Reign the Oath of Supremacy was enacted, or rather revived, in which amongst others are these two things asserted; 1st. *That the Queen's Highness is the only Supream Governour of this Realm, and of all other her Highness's Dominions and Countries, as well in all Spiritual or Ecclesiastical Things or Causes, as Temporal.* 2dly. *That no Foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority Ecclesiastical or Spiritual, within this Realm.* By the first her own Subject's Hands are tied up; by the second the Usurpations of Foreignes are excluded. She could not be *Supream*, much less *only Supream*, if any Men or body of Men in her own Dominions had a Superior Power to depose her; and it being not only their Duty, but they also farther obliged by Oath to assist and defend her in this Supremacy, and this Oath and Statute being transmitted in force to all her Successors, any attempt by them to the contrary must necessarily be invalid and unlawful: And those who have a mind to know the Penalties which the Law inflicts on Offenders in this kind, may at their leisure read them in the same Statute.

Let us now descend from the Reign of Queen *Elizabeth* to that of King *James* the First; and in the *Act of Recognition, Anno* 1. *Jac.* 1. *cap.* 1. after a long, dutiful, and humble Preamble, it is thus said: 'We (being bounden 'thereunto both by the Laws of God and Man,) do recognize and acknow-'ledg, (and thereby express our unspeakable Joys,) That immediately upon

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'the Diſſolution and Deceaſe of *Elizabeth*, late Queen of *England*, the Im-
'perial Crown of the Realm of *England*, and of all the Kingdoms, Domi-
'nions, and Rights belonging to the ſame, did by inherent Birth-right, and
'lawful and undoubted Succeſſion, deſcend and come to your moſt excellent
'Majeſty, as being lineally, juſtly, and lawfully next and ſole Heir of the Blood-
'Royal of this Realm, as is aforeſaid: And that by the Goodneſs of God
'Almighty, and lawful Right of Deſcent, under one Imperial Crown, your
'Majeſty is of the Realms and Kingdoms of *England*, *Scotland*, *France* and
'*Ireland*, the moſt potent and mighty King, and by God's Goodneſs more
'able to protect and govern us your Loving Subjects in all Peace and Plenty,
'than any of your noble Progenitors; and thereunto we moſt humbly and
'faithfully do ſubmit, and oblige our Selves, our Heirs, and Poſterities
'for ever, until the laſt drop of our Bloud be ſpent: And do beſeech your
'Majeſty to accept the ſame, as the First-Fruits in this High Court of Par-
'liament, of our Loyalty and Faith to your Majeſty, and your Royal
'Progeny and Poſterity for ever. Which if your Majeſty ſhall be pleaſed
'(as an Argument of your gracious Acceptation) to adorn with your Ma-
'jeſty's Royal Aſſent, (without which it can neither be compleat and per-
'fect, nor remain to all Poſterity, according to our moſt humble Deſires,
'as a Memorial of your Princely and tender Affection towards us;) we
'ſhall add this alſo to the reſt of your Majeſty's unſpeakable and ineſtima-
'ble Benefits. Here they plainly acknowledg theſe two things; 1ſt. That
the Crown deſcends by Proximity of Bloud, and that *immediately*, even
before any Ceremony of Coronation or otherwiſe; ſo that there can be
no *Inter-regnum* or *Vacancy* of the Throne: And accordingly it is a Maxim
in Law, that *Rex non moritur*. 2dly. That the aſſent of the King, is that
which gives the Life, Being, and Vigour to Laws, without which they are
of no force. Now how the late Proceedings which were directly againſt
both theſe can be valid, ought to be made very clear, at leaſt it ought to
be better proved than by the capricious Opinion of one ſingle private Per-
ſon againſt a full and lawful Parliament.

In the Third Year of the ſame King *James* was Enacted the Oath, com-
monly called the Oath of Allegiance, (not but that the ſame thing was
practiſed before, though not in the ſame Words;) which may be tendered
to any above the Age of eighteen; which reſtraining the Subject not only
from depoſing, but from offering the leaſt violence or harm to the King,
and obliging all Subjects ſo faithfully to aſſiſt their King againſt both Do-
meſtick Traitors and Foreign Uſurpers; and being ſo directly contrary to,
and utterly inconſiſtent with Mr. *Johnſon*'s Doctrine, I think fit to inſert it
here at large.

I A B *do truly and ſincerely acknowledg, profeſs, teſtifie, and declare in my
Conſcience, before God and the World, That our Sovereign Lord King* James *is
lawful and rightful King of this Realm, and of all other His Majeſty's Dominions
and*

and Countries; and that the Pope neither of himself, nor by any Authority of the Church or See of Rome, *or by any other means with any other, hath any Power or Authority to depose the King, or to diſpoſe of any of his Majeſty's Kingdoms and Dominions, or to authoriſe any Foreign Prince to invade or annoy him, or his Countries, or to diſcharge any of his Subjects of their Allegiance and Obedience to his Majeſty, or to give licence or leave to any of them to bear Arms, raiſe Tumults, or to offer any Violence or Hurt to his Majeſty's Royal Perſon, State or Government, or to any of his Majeſty's Subjects, within his Majeſty's Dominions.*

Alſo I do ſwear from my Heart, That notwithſtanding any Declaration, or Sentence of Excommunication or Deprivation made or granted, or to be made or granted, by the Pope or his Succeſſors, or by any Authority derived, or pretended to be derived from him, or his See, againſt the ſaid King, his Heirs or Succeſſors; or any Abſolution of the ſaid Subjects from their Obedience. I will bear Faith and true Allegiance to his Majeſty, his Heirs and Succeſſors, and him and them will defend to the uttermoſt of my Power, againſt all Conſpiracies and Contempts whatſoever, which ſhall be made againſt his or their Perſons, their Crown and Dignity, by reaſon or colour of any ſuch Sentence or Declaration, or otherwiſe, and will do my beſt endeavour to diſcloſe, and make known, unto his Majeſty, his Heirs and Succeſſors, all Treaſons, and Traiterous Conſpiracies, which I ſhall know or hear of to be againſt him, or any of them.

I do farther ſwear, That I do from my Heart abhor, deteſt, and abjure, as Impious, and Heretical, this damnable Doctrine and Poſition, That Princes which be excommunicated or deprived by the Pope, may be depoſed or murdered by their Subjects, or any other whatſoever.

And I do believe, and in Conſcience am reſolved, that neither the Pope, nor any Perſon whatſoever, hath Power to abſolve me of this Oath or any part thereof; which I acknowledg by good and full Authority to be lawfully miniſtred unto me: And do renounce all Pardons and Diſpenſations to the contrary. And all theſe things I do plainly and ſincerely acknowledg and ſwear, according to theſe expreſs Words by me ſpoken, and according to the plain and common Senſe and Underſtanding of the ſame Words, without any Equivocation, or Mental Evaſion, or Secret Reſervation whatſoever. And I do make this recognition and acknowledgment heartily, willingly, and truly, upon the true Faith of a Chriſtian: So help me God.

If fooliſh wicked Men did not make their Reſervations, and endeavour to put Tricks even upon God, whom they call to be a Witneſs of the Truth of what they ſwear, and an Avenger if they ſwear falſly, there would need nothing more to contain Subjects in their Loyalty: But ſtill to improve this matter farther, 7 *Jac.* 1. *cap.* 6. an Act tells us, That this Oath *tends only to the Declaration of ſuch Duty, as every true and well-affected Subject, not only by Bond of Allegiance, but alſo by the Commandment of Almighty God, ought to bear to his Majeſty, his Heirs and Succeſſors.* So that though this Act obliges all Perſons of the Age of eighteen Years, upon pain of incurring a

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Præmunire, to take this Oath if tendered; yet it gives us to underſtand that it is only a ſuper-added Obligation to ſecure our lawful Prince, and keep the Subject to his Duty; and that though the Oath be not taken, yet the natural Allegiance of every Subject binds him to the ſame thing: And though it was principally, yet not only made with relation to the Biſhop of *Rome*, but to all others, as expreſſing that Allegiance which obliges Subjects to ſtand by their Prince againſt all his Oppoſers, Enemies, and Underminers whatſoever. I do not know that any Foreign Powers, (the Pope excepted,) ſo much as pretend to a Right to depoſe lawful Princes; nor did even the Prince of *Orange*, when he came over, pretend to any ſuch Power by his Declaration; and it ſeems to me to be no better than an impudent Contradiction, when Men acknowledg that no Foreign Power can depoſe a lawful Prince, to ſay, that his own Subjects, who by the Laws of God and Man owe him Allegiance, and are bound with the utmoſt hazard of their Lives to defend him, may do it. And it ſeems to me worth Obſervation, that Dr. *Stillingfleet* in his Preface to the *Jeſuit's Loyalty*, proves, that the Pope depoſes Princes upon Common-wealth Principles: Now I would willingly know upon what Principle the Doctor hath joined with the Revolutioniſts in depoſing his Prince. If he joins with Mr. *Johnſon* in his Argument, it is Common-wealth all over; if he take up with the other Arguments of his Brethren, *Julian* hath fairly hiſs'd them out of Doors. I did once think that Men who raved againſt the Evaſions, Equivocations, Mental Reſervations, Diſpenſations, and other deceitful Arts and Tricks of the Jeſuits, had been Men of Plain-dealing, Simplicity and Integrity; But ſince I have diſcovered, that thoſe very Men, who made the *depoſing Power* their Bell-wether Argument againſt the Papiſts, were at that ſame time buſie in contriving how to depoſe their own lawful Prince: I have been prone to think, that if you ſhould take a *Latitudinarian Proteſtant*, and a *Jeſuit*, and put them both in a Bag, and ſhake them well together, it would be hard to determine, whether he that came out firſt or laſt was the greateſt Knave.

After *the deplorable Confuſions, Diviſions, Wars, Devaſtations, and Oppreſſions*, (they are the Words of the Act,) wherewith theſe Kingdoms were haraſſed in the former Rebellion, (the Wickedneſs of which no Man would have thought could have been exceeded, had he not ſeen this,) the People, jaded with their own Folly and Villany, and ſeeing no end of the Rapine, Madneſs and Cruelty of their Oppreſſors, call Home their Lawful Sovereign King *Charles* the Second: And in the 12th Year of his Reign, (but of his actual governing the firſt,) an Act paſſed, wherein his *undoubted Hereditary, Sovereign and Regal Authority* was acknowledged; a *perpetual* Thankſgiving for his Reſtoration ordered to be annually and publickly kept: All Miniſters are thereby bound to celebrate it, and to give God Thanks, and publickly declare *the extraordinary Mercies, Bleſſings and Deliverances received*; all People are bound on that Day to repair to ſome Church

Church or Chappel, where the Service appointed may be had; all Miniſters to give notice of it the Lord's Day before; and upon the Day to read the Act *publickly and diſtinctly* to the People: And this is again confirmed the 13th *Car.* 2. *cap.* 11. Certainly no Man that had a Grain of Honeſty could think that any People could be guilty of ſuch fulſome Hypocriſie, and ſuch downright mocking of God, as to keep a publick Thankſgiving for the reſtoring one Brother to his Right, and at the ſame time to plead the lawfulneſs of driving away and keeping out the other Brother by force of Arms, when the Right and Title of both Brothers was exactly the ſame. By what Authority do they call the other Rebels, when they do the ſame thing? Or is it a wicked thing in Presbyterians and Independents to depoſe Kings, but lawful and commendable in Latitudinarians?

But if forty Parliaments had laid their Heads together to ſecure their Sovereign from any Violence or Harm againſt any Man, Men, or body of Men whatſoever of his own Subjects, or moſt effectually to confute Mr. *Johnſon*'s Argument; I cannot imagine how they could do it in more apt, proper and full terms, than is done by the Act 12 *Car.* 2. *cap.* 30. wherein it is declared, *That by the undoubted and fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together in Parliament, nor the People collectively or repreſentatively, nor any other Perſons whatſoever, ever had, have, hath, or ought to have, any Coercive Power over the Perſons of the Kings of this Realm.* Here plainly by a full and free Parliament, and by univerſal conſent, all ſorts and all bodies of Men are reſtrained from uſing any Violence to their King; and this not only at preſent enacted, but *declared* to be ſo by the *undoubted and fundamental Laws of this Kingdom.* If this be true, *Bracton* muſt be miſtaken; Or ſhall we eſteem his Authority above that of the High Court of Parliament? Or what ſhall become of his *reſpectuetur ad Magnam Curiam*, when that very Court in this caſe denies it? And that too upon this very account, that the *undoubted and fundamental Laws* are againſt it.

There are many other Statutes which ſeem to be purſuant of this; as 13 *Car.* 2. *cap.* 1. where that Opinion is condemned, *That both Houſes of Parliament, or either of them, have a Legiſlative Power without the King*; by which alone all the Acts of the Convention are overthrown, and all the pretended Authorities thereupon founded. Hence in the ſame Act they proceed to condemn the Proceedings in the former Rebellion, declaring, 'That 'the Oath uſually called the *Solemn League and Covenant*, was in it ſelf an 'unlawful Oath, and impoſed upon the Subjects of this Realm againſt 'the fundamental Laws and Liberties of this Kingdom; and that all Orders 'and Ordinances, and pretended Orders and Ordinances, of both or either 'Houſes of Parliament, for impoſing of Oaths, Covenants or Engagements, 'levying of Taxes, or raiſing of Forces and Arms, to which the Royal 'Aſſent, either in Perſon or by Commiſſion, was not expreſly had or given, 'were in their firſt creation and making, and ſtill are, and ſo ſhall be taken

'to be, null and void to all intents and purpoſes whatſoever. Now, (as if they had had a Spirit of Propheſie,) this Act ſeems to be more ſtrongly levelled againſt the *Convention* than the *long Parliament*; for the long Parliament were called by the King's Writ, and by his aſſent to a Bill were continued till they ſhould diſſolve themſelves; but the Convention was a Muſhroom, ſprung up of it ſelf, and remaining without root or foundation: They were ſo far from having any colour of Law to warrant them, that when they had traiterouſly driven away their King with Lies, Noiſe, and Threats; they met contrary to all Law, at the invitation of a Stranger, their King's Enemy, againſt whom they ought to have defended him; and therefore were Traitors in that very Act: The long Parliament indeed boldly aſſumed the whole Authority to themſelves, but withal they ſeemed not before-hand to be deſtitute of a very conſiderable Legal Authority; but the Convention as they had no manner of Authority in that caſe, ſo they pretend to give the Supream Authority to one, who as a Stranger had leſs Authority than themſelves: But neither could they give what they never had, nor he receive from them what they had not to give; and therefore this Act as ſtrongly makes null and void all the Oaths, Acts, Orders, Ordinances and Proceedings whatſoever of the *preſent Government*, as they call themſelves, as it did the Solemn League and Covenant, and other the proceedings of the *Rump Parliament*, and *Oliver* the Firſt.

13 *Car.* 2. *cap.* 6. There is an Act, wherein it is declared, 'That within 'all his Majeſty's Realms and Dominions, the ſole Supream Government, 'Command, and Diſpoſition of the Militia, and of all Forces by Sea and 'Land, and of all Forts and places of Strength, is, and by the Laws of *Eng-*'*land* ever was, the undoubted Right of his Majeſty, and his Royal Prede-'ceſſors, Kings and Queens of *England*; and that both or either of the Hou-'ſes of Parliament cannot, nor ought to pretend to the ſame; nor can, nor 'lawfully may, raiſe or levy any War, offenſive or defenſive, againſt his 'Majeſty, his Heirs or lawful Succeſſors, *&c.* And in the ſame Act the grounds of contrary proceedings they call *Rebellious Principles*; the Governments ſet up againſt the lawful King, they ſtile *uſurped Governments*; and the effect of ſuch doings they ſay was *almoſt the Ruine and Deſtruction of this Kingdom.* But what was wanting then, we have juſt cauſe to fear will be made up now; we are within a little of leaving out the *almoſt*, and are upon the very brink of *utter* Ruine and Deſtruction. Now if the *ſole Supream* Government was in King *James*, and the whole power and diſpoſition of the Militia, and all Forts and places of Strength, were undoubtedly his Right, and no War offenſive or defenſive may be raiſed againſt him; then all thoſe places were wrongfully taken from him, and all the preſent Rebellious Proceedings and Uſurpations are as void as the former.

It were no hard matter to heap up many other Statutes to this purpoſe, but I think theſe ſufficient; for this was the Conſtitution when King *Charles* the Second died, this was the ſtate of the Government when King *James* the

the Second his lawful Succeſſor entred upon it; and all theſe Acts were in their full force when he was driven away; and they aſſert, maintain, keep up and ſecure his Right and Supream Power, as well againſt his own Subjects as Foreigners: And therefore the Supremacy, Authority and Right being ſtill his, as all proceedings againſt him are null in Law, and condemned by it; ſo all Perſons thus unlawfully diveſting him of that his rightful Supremacy and Authority, have incurred the Cenſure of the fore cited Canon made purſuant to theſe Conſtitutions, and muſt be adjudged to ſtand *ipſo facto* excommunicate.

I am not inſenſible, that by a certain ſide-wind an Objection may be here brought in, which both *Prerogative* and *Commonwealth-men* have (as it ſerved their Turn) inſiſted on, *That the Statute-Law is ſuper-induced, and to be in force according to the tenour of the old preceding Laws and Cuſtoms of* England, *and if repugnant to them void; if obſcure and doubtful, to be explained by them.* And I am informed that the *Paltry*, (I ſhould have ſaid the *Poultrey*) *Doctor*, in his private Pleas in making *Converts*, or rather *Perverts*, doth farther alledg, *That the Statute-Law is utterly inſignificant in it ſelf, and that we are wholly to be guided by antecedent Laws and Cuſtoms.* Whether he means by this to warrantize *Rebellion* by the *worſt of Precedents*, or would have all ſwallowed up in the *Prerogative*, I cannot tell; for he is as much for *William*, as he was againſt King *James*; ſo tempting a thing is even the bare hopes of a Biſhoprick. But againſt this I deſire theſe few things may be conſidered: 1ſt. I humbly requeſt this bold *Doctor*, or any of his Complices, to tell me in plain Engliſh, Whether the auguſt Court of Parliament, which is brought together with ſo much Charge, appears in ſuch State, and is ſtiled the higheſt Court in the Kingdom, ſits in all that Formality and Solemnity only to deviſe *New-Nothings*, or to make Rattles and Baubles for Fools and Children? For if his Objection be true, I ſee not what they do more; but muſt be the meereſt piece of Pageantry that ever was. 2dly. It is obſervable that this Argument, if not firſt trump'd up, yet was moſt warmly managed in the time of King *Charles* the Firſt, when the matter of the *Petition of Right* was under debate; and though they threw Duſt in one another's Eyes, and amuſed the Kingdom with fine Harangues about old blind antecedent Laws, which no Body knew what to make of; yet when they come to pen the Statutes, they fairly leave them all to ſhift for themſelves, and found it wholly upon preceding Statutes, as any Man may there ſee to his ſatisfaction, 3 *Car.* 1. *in initio.* 3dly. That the fore-cited Statutes are ſo far from expreſſing any thing obſcurely or doubtfully, that they are as intelligible, plain and eaſie, as if they had been written with a Beam of the Sun. Laſtly, (and which indeed is moſt conſiderable) all, or moſt, and the moſt pertinent of the fore-mentioned Statutes, are not meerly conſtitutive, but declaratory, not barely telling us what for the future ſhould be Law, but informing us what by the old antecedent Laws were the undoubted Rights of the Crown, and rule of Succeſſion; and indeed I can diſcover but two ways

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whereby the Crown can ſucceed according to our Conſtitutions, *viz.* either by Proximity of Bloud in a lineal Succeſſion, or by the laſt Will and Teſtament of the preſent rightful Prince in Poſſeſſion, ratified in Parliament; both which are mentioned in the Act of Settlement, 35 *Hen.* 8. and made a rule of Succeſſion for ever, 1 *Eliz. cap.* 3. neither of which will do our Adverſaries any Service: And thus I think I have given as fair and full an anſwer to Mr, *Johnſon*, as he hath done to the reſt of his Brethren; and the Obſtacles being now removed may juſtly proceed to the Canon, which declares all ſuch Perſons as deny the Supremacy of their lawful King to be excommunicate *ipſo facto*: As to which I ſhall conſider theſe ſeveral particulars; Firſt, That this Canon is no Novelty, but purſuant to, and taking pattern from other Canons of the Church of Chriſt, made all along for the ſecurity of Princes. Secondly, What is meant by Excommunication *ipſo facto*. Thirdly, What is the State and Condition of Perſons excommunicate. Fourthly, What ought to be the Behaviour of other Chriſtians towards ſuch as ſtand excommunicate. Laſtly, the particular reſtraint here laid, as to reconciling ſuch Perſons who are cenſured by this Canon.

As to the firſt, Chriſtianity, which not only teacheth, but obligeth us *to do good for evil*, took care of the Supremacy of the Supream Powers, even when they were Perſecutors; but when Kings and Queens became Nurſing Fathers and Nurſing Mothers, and took the Church into their Protection, defending the Perſons not only as Subjects but Chriſtians, and backing the Canons and Cenſures of the Church with Civil Laws and Penalties; from thence the Church became bound not only in Duty but in Gratitude to contribute all ſhe could to the protection of that lawful Government, which protected her; and to render the Civil Laws and Penalties more aweful and effectual, did farther enforce them (as occaſion required, but eſpecially for the ſecurity of lawful Princes,) with the Threats and Terrors of Divine Vengeance, which by Authority, committed to her by God, ſhe had power to denounce againſt ſuch Offenders. The Doctrine of Obedience to lawful Powers, has been a part of Chriſtianity from its very firſt entrance into the World, even then when it was the greateſt Sufferer under them. Thus our Bleſſed Saviour teacheth the Seditious Jews, *Mat.* 22. 21. *Render unto Caeſar the things which are Caeſar's, and unto God the things that are Gods.* Thus his Apoſtle St. *Paul* to the *Romans*, 13. 1. *Let every Soul be ſubject unto the Higher Powers.* To *Titus*, 3. 1. *Put them in mind to be ſubject to Principalities and Powers, to obey Magiſtrates.* And St. *Peter*, as if he had a mind to confirm the very terms of our Canon, and contradict his pretended Succeſſor the Pope, gives this Charge, *Submit your ſelves to every Ordinance of Man for the Lord's ſake, whether it be to the King as Supream, &c.* 1 Pet. 2. 13. The looſe Anſwers which have been deviſed to take off the force of theſe Scriptures, and encourage eternal Confuſions, have been of late ſo ſhamefully baffled by many learned Pens, that I need not concern my ſelf farther with them; only I think it fit they ſhould know what Penalty God's Word hath

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assigned to Offenders in this kind, which being no less than Damnation, I cannot but as a Christian wish them Repentance, that if possible they may escape it; though I cannot without deploring their Condition think of the Observation, *That Rebellion in this is as the Sin of Witchcraft, that both Sins do so bewitch Men, and carry away their very Hearts and Souls, that they rarely, if ever, think on Repentance on this side Hell*; and then I fear it will stand them in little stead, notwithstanding the comfortable Doctrine which their new High-Priest hath broach'd, for the benefit of the damned, and to encourage the Living to run the hazard of Damnation.

If I should examine how the Church in succeeding Times trod in these steps of our Saviour, and his Apostles, it would be a tedious work; and therefore I shall only subjoin some few Citations as a Specimen: And I hope I shall be pardoned if I take the liberty to translate, since I write only for the Instruction of the Ignorant, not for the Information of those who are wiser than my self. And in that early Collection of Canons, commonly known by the name of the *Apostle's Canons*, we find this, Ὅστις ὑβρίζει βασιλέα, &c. *If any Man, against Right, do Wrong to the King or Governour, let him be severely punished; if he be a Clergy man, let him be deposed; if a Lay man, let him be excommunicated*, Can. 84.

In the Fourth Council of *Toledo*, we find both a neat Preamble and smart Canon to this purpose; thus, *Multarum quippe gentium —— tanta extat perfidia, &c.* So false (*say they*) and perfidious are the Minds of many Men, *that they will not keep that Faith which by Oath they have promised to their King, but whilst with their Mouths they profess to swear, in their Hearts retain Treachery; for they swear Fidelity to their Kings, but break their Oaths, not regarding the Judgment of God denounced* (Jer. 7. 8, &c.) *against those who swear by the Name of the Lord falsly. What hope can such have in War with their Enemies? What other Nations will trust such in Peace? What League at this rate can hold them? What Pledg or Assurance can they give, that they will keep their Faith with their Enemies, when they break that Faith which they have sworn to their own Kings?* Then follows the Canon. *Whosoever henceforth, either of us, any of the Spanish People, by any Machination or Contrivance, shall violate that Oath of Fidelity, which he hath sworn for the Safety of his Countrey, the State of the* Gothick *Nation, or the Security of his Prince, or shall murder his King, or divest him of his Authority, or by Tyrannical Presumption shall usurp the Throne, let him be* Anathema *in the sight of the Holy Ghost, and the Martyrs of Christ; and let him be ejected out of the Catholick Church, which he hath profaned by his Perjury; and let him be debarr'd from all Christian Communion; nor let him have any share with the Righteous, but let him be condemned to eternal Punishment with the Devil and his Angels.* And then the whole Clergy and People give their Consent in these Words: *Whosoever shall go contrary to this Decree, let him be* Anathema Maranatha, i. e. *let him receive Sentence of Damnation at the Coming of our Lord Jesus, and both he and his Associates have their Portion with* Judas Iscariot. Amen. Certainly Christians had no light Opinion of the Sins of Rebellion and Usurpation, when they denounce such a dreadful Sentence against it; and I think Christianity is still the same it ever was, however the Professors of it may be altered.

In the Seventh Council of *Toledo*, *cap.* 1. we have a Constitution to our purpose in these Words; *Sed & quia plerosque Clericos tanta levitatis interdum pravitatis præsumptive ita elevat*, &c. *But because many Clergy-men are so puffed up with Vanity and Wickedness,*

dneſs, that unmindful of the gravity of their Order, and their Faith promiſed by Oath, they through a raſh Levity conſent to the ſetting up another King, their lawful King being living, it is fit that ſuch licentiouſneſs ſhould be altogether taken away, and utterly extirpated out of our Communion: So that if any Lay-man within the bounds of the Countrey of the Goths *ſhall ambitiouſly attempt the Crown, and ſhall receive any favour or aſſiſtance from Clergymen, and by ſucceſsful Wickedneſs ſhall prevail in his ambitious Attempt; from the time that any Biſhop or Clergyman of what Order ſoever ſhall have involved himſelf in ſuch Crime, it behoves him to remain excommunicate for ever.* (I think here is *ipſo facto* Excommunication with a Witneſs.) *But if by the prevailing Wickedneſs of that Prince, with whom he unjuſtly agreed, the Biſhop ſhall not be able actually to ſuſpend him from Communion; yet if he overlive the ſaid Prince, whoſoever ſhall admit him to Communion (unleſs at the very Hour of Death, and upon ſufficient proof of his true Repentance,) let that Perſon be liable to the aforeſaid Sentence.* Here you may ſee that the Church would not ſuffer even proſperous Villany to reſcue Offenders out of her Hands, but obliged her Members upon the ſevereſt Penalty, upon all Opportunities to make them know themſelves. What Lenity may for ſeveral reaſons be uſed ſometimes, in ſuch caſes, belongs not to me to determine; only, if any think they may be concerned herein, I wiſh they may ſo think as ſeriouſly to repent, that they may find both God's and his Church's Mercy.

From the *Concilium Calcuthenſe*, I ſhall cite only part of a Canon, though the whole is pertinent enough. *Let no Man dare to be privy to the murder of a King, becauſe he is the* Lord's *Anointed; and if any Man join in ſuch Wickedneſs, if he be a Biſhop or any of the Sacerdotal Order, let him be degraded, and removed from the Clergy as* Judas *was from the Apoſtolick Order; and whoever elſe ſhall be conſenting to ſuch a Sacrilegious Fact, he ſhall periſh under the eternal bond of an* Anathema, *and coupled with the Traitor* Judas *ſhall be burnt in everlaſting Fire; as it is written, not only they who doe, but thoſe who conſent to the doing ſuch Things ſhall not eſcape the Judgment of God.* It is not long ſince, that a wiſe and pious Prince was barbarouſly murdered amongſt us by his own Subjects; and though his Son by the Mercy of God made his eſcape, yet there are many who thirſt for his Bloud, which in the eſtimation of God is the ſame thing. To this I will here add part of a Canon of another of our own Councils, (*Vid.* Lind. *l.* 5. *fol.* 248. *b.*) *Auctoritate Dei Patris*, &c. *By the Authority of God the Father*, &c. —*we excommunicate all thoſe, who injuriouſly diſturb the Peace and Tranquillity of our* Lord *the King; and thoſe who labour unjuſtly to detain the Rights of our* Lord *the King.* This is a Canon made amongſt our ſelves, and the Book is the great Director of our Eccleſiaſtical Courts at this Day; and if the Rights of a King be not only detained, but wholly ſwallowed up by ſome at this time, we muſt never believe matter of Fact more; and as for the Curſe, let them take it to whom it belongs. Indeed, while the Authority of God was reverenced in the Cenſures of the Church, Kings were very deſirous that the Churches protected by them ſhould contribute to the Security of the Royal Authority, by a denunciation of Spiritual Judgments on ſuch as ſhould any ways be injurious to it: Thus at the Requeſt of K. *Edward*, a Conſtitution was made to this purpoſe, by *John Stratford* Arch-biſhop of *Canterbury*; as is to be ſeen, Lind. *fol.* 254 *b.* But a very remarkable Inſtance in this kind the *Concilium Engilhelmenſe*, under Lewis the 4th, affords us, *Can.* 1. *De hinc ex Seſſionis ſuæ loco ſe ſubrigens*, &c. *Then the Glo-*

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rious King Lewis *riſing from his Seat,—made a moſt lamentable Complaint*, viz. *That he was ſtrip'd of his Royal Power by a certain Prince called* Hugo; *whoſe juſt Grief and Complaint we Holy Fathers* (i. e. *the Biſhops there aſſembled*) *condoling, being joined together in the Unity of Spirit, have made thereupon this Decree: Let no Man henceforth invade the Kingly Power, nor deal treacherouſly therewith; for we have decreed by putting in execution the Council of* Toledo, *That* Hugo *the Invader, and Raviſher of the Kingdom of K.* Lewis, *ſhall be ſmitten with the Sword of Excommunication, unleſs by an appointed Time he come to the Council, and repent of ſo foul a Fact, and make ſatisfaction.* Had this Complaint been made to St. *Aſaph* or Dr. *Burnet*, They would have told poor *Lewis* that *Hugo* had conquered him, that he had loſt all his Right, and ſo long as he lived muſt only be called the *late King Lewis*; that for their parts they were bound to *ſwear Allegiance* to *Hugo*, and to aſſiſt him to the uttermoſt againſt *Lewis*: But contrary-wiſe theſe Biſhops own the Cauſe of the diſtreſſed Prince, and decree the Uſurper excommunicate, if he reſtore not his ill-gotten Goods: Now whom ſhall we believe? For either this Council or ſome Biſhops now living muſt be in the wrong.

The Caſe of *Ludovicus Pius* has too much Affinity with ours; for his own Children roſe up againſt him; and a parcel of St. *Aſaphs*, *Burnets*, *Fowlers*, and ſuch other Godly and Loyal Prelates met together, and made up that which is called *Synodus Compendienſis*, and by the Learned *Baluzius* juſtly ſtiled *Synodus Prædatoria*; theſe join with the Rebellious Children againſt the Father, and formally ſtrip him of his Authority in order to his being impriſoned by his Son *Lotharius*: But againſt theſe *Rabanus Maurus*, Arch-biſhop of *Mogunce*, then living, a Man of greater Reputation and Authority than a thouſand ſuch falſe Loons, ſtoutly oppoſeth himſelf; and with the Courage and Fidelity of a Chriſtian Biſhop condemns the Fact, and writes a Tract on purpoſe, *De reverentia Filiorum erga Patres, & ſubditorum erga Reges*, which I think may be worth any honeſt Man's reading. Much ſuch another Caſe was that of the Emperor *Henry* the 4th, but the more abominable for this, that that whole Scene of Wickedneſs was managed by *Gregory* the 7th, otherwiſe called Pope *Hildebrand*, but more deſervedly Pope *Firebrand*; who the better to colour over the matter excommunicates the Emperor, and abſolves his Subjects from their Allegiance; but the Biſhop of *Leige* being too Honeſt and Loyal to think himſelf ſo diſcharged of his Oath of Fealty, continued faithful to the Emperor; for which the Pope darts his Thunderbolts againſt both him and his Adherents, notwithſtanding which his Clergy continue firm to him, juſtifie their Proceedings from the Obligation of their Oaths, and the Commandments of God, and look upon his Excommunication as meerly *brutum fulmen*, and of no Force. It would be too tedious to heap up what might be brought of this kind from Examples, Canons, and declared Judgment of Holy Fathers: From all which it is plain, that the pious conſcientious Clergy ever thought themſelves in Duty bound, not only to adhere to their lawful Prince againſt all Uſurpers and Rebels, but to cenſure thoſe that did otherwiſe, which was ſufficient to induce our Church to compoſe this Canon, and juſtifie her in ſo doing, and ought to ſtrike a terrour in all thoſe who incurr the Cenſure of it; which that they may be the more aware of, I ſhall now proceed further to explain it in the other Particulars.

The next Thing we have to do is to enquire after the meaning of an Excommunication *ipſo facto*; where by the way take notice, that this ſort of Excommunication

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is never denounced but againſt Crimes of more than an ordinary Size; either againſt ſuch as are of themſelves of ſo very ill Name, that being once known there needs not the canvaſſing of a Judge to induce any Perſons to condemn them; or elſe of ſuch pernicious and fatal Conſequence that they ought not to be allowed the leaſt encouragement, or ſo much as any forbearance; by which you may eaſily perceive how heinous a Fault it is adjudged in the ſenſe of the Ch. of *England*, for any Perſon to maim the Authority of his King, or diſmantle him of it, ſhe having denounced no leſs than an Excommunication *ipſo facto* againſt it: And indeed, what Laws, or what Authority ſhall be able to reſtrain thoſe Men, who ſhall dare to make an Attempt upon the Sovereign Authority, which is the Guardian of the Laws, and Security of the State? Before Wickedneſs can grow rank enough for ſuch a deſperate Experiment, it muſt have broke thro' and ſhook off the dread of all Laws, and become not only regardleſs of the Duties of Civility and common Honeſty, but to be not ſo much as moved with the ſenſe of the Publick Good and Safety: Now what hopes can any Man cheriſh of ſuch Men? And how miſerable muſt that Government be which is raviſht into ſuch hands? But to return to our Buſineſs, Excommunication *ipſo facto* is where the Diſcuſſion and definitive Sentence of the Judge is neither requiſite or neceſſary as to the Offender; but the Fact being committed, the Excommunication immediately takes place, and the Law in a great meaſure executes it ſelf: So that Excommunication *ipſo facto* is Excommunication *ab ipſo jure*, *ſive ſententiæ a jure latæ*, and is ſo call'd in Contradiſtinction to Excommunication *ab Homine ſive Judice*, where the definitive Sentence muſt be waited for and pronounced, before the Excommunication can take effect.

From what hath been ſaid it is evident, that the guilty Perſon in this Caſe is immediately in the ſtate of *Excommunication*; ſo that he ought not to thruſt himſelf into the *Communion* of the Ch. it being a thing which belongs not to him, and to which he hath no Right, and from which he can receive no Benefit; but ought to put himſelf into the ſtate of a *Penitent*, to bewail his Fault, and make what Satisfaction he is able, and to endeavour his Reconciliation to the Church upon ſuch Terms and Conditions, as the proper Judge in that caſe ſhall think fit for that end and purpoſe, of which a true and hearty Repentance, ſo far as Man can diſcern, is always one. But then whether all Perſons are bound to treat this Perſon as an Excommunicate, is another Queſtion. Indeed if he (as he ought) confeſs his Fault, declare his Condition and bewail it, there can be no doubt, but that others, though they may pity him, yet ought to treat him as an Excommunicate, till he be reſtored by due courſe; but then it too often happens, that the Fact is hid and ſecret; or, if the Fact be known, yet the Criminal is not; or, if both Fact and Criminal be known, yet it may not be known, or but to few, that there is any Canon or Law, which *ipſo facto* puts ſuch a Perſon under Excommunication; yea, after all, though Fact, Criminal, and Canon be known, yet it may be a doubtful and controverted caſe, whether the Crime be within the Verge and Cenſure of ſuch Canon. Now, in ſuch a caſe, I humbly conceive, that no Man is ſtrictly bound to treat ſuch a Perſon as an Excommunicate, until a declaratory Sentence of a proper Judge have paſſed on the thing, though a definitive one be needleſs; that is, that the Judge having true notice of the Crime, do declare, that it is the ſame, againſt which the Canon pronounces

nounces an Excommunication *ipso facto*; and this published, shall be sufficient to oblige others to treat the Person so declared against as under a state of Excommunication: But then again, there are Cases wherein so much as a declaratory Sentence is needless, and Persons may be bound to look on the Criminals as *Excommunicates*, without any such Sentence; as when the Fact, Criminals, and Canon passing Sentence thereon, are notoriously known; in such case the Church requires all persons without more adoe to take notice of the Offenders, and to treat them as persons under the *Sentence of the Canon*, tho' the Judge hath given *no Sentence* in the case, and *commends* them for so doing, tho' in other cases it allows them not the Judgment. This Mr. *Hody* doubtless would have told us, if it had been for his turn; but thanks to more fair and ingenuous Persons, the *Canon* now speaks plain for itself, ὅτι γὰρ διὰ αἱρεσίν τινα παρὰ ἁγίων συνόδων, &c. *But if any shall separate themselves from Communion with their Superiour for any Heresie condemned by the H. Synods and Fathers, he publickly preaching the same Heresie to the People, and teaching it barefac'd in the Church, such shall not onely be free from Canonical Censure for separating from Communion with the Bishop so called before synodical Condemnation, but they shall be thought worthy of the Honour that is due to the Orthodox; because they have not condemned a Bishop, but a false Bishop, and a false Teacher, and have not divided the Unity of the Church by Schism, but have studiously endeavoured to preserve the Church from Schisms and Divisions.* Thus in cases manifest and notorious Christians followed the Censure of precedent *Canons*, without staying for particular Sentence; the onely Question then is, whether there be such notoriety in our particular case? And truly I think that there scarce ever appeared in the World a more notorious and manifest case; the Matter of *Fact* is evident to all, there being scarce a *Child* of five years old in the Kingdom who doth not know how the Authority of K. *James* is trampled on, despised, and denied, if he be not taught to do it himself; and as for the Persons, they are as well known, the Laymen glorying in it in all places, and the Clergy roaring it out before whole Congregations; and then the Canon which censures them as excommunicate *ipso facto* for so doing, is or ought to be as well known; for it is commanded with the rest *once every year* to be read in all Churches, which I think is fair notice; and if they will not take it, affected Ignorance will rather aggravate than excuse their Fault; from all which it is plain, that these Offenders ought to be treated as excommunicate *ipso facto* upon the Authority of the Canon without waiting for the declaratory Sentence of a living Judge.

Having considered the nature of an Excommunication *ipso facto*, I shall next enquire into the state and condition of an *excommunicated Person*, which is very sad and dreadfull as to any Man; but when it falls to be a Clergyman's Lot, it makes fatal Work: For, 1. It divests him of the Power of Exercising any Ecclesiastical Jurisdiction; and if nevertheless he will take upon him to exercise it, it renders all his Acts invalid and null: And I think it will be worth some Mens pains to enquire whether this may not affect all the Ecclesiastical Courts in *England*; for I doubt it will not be sufficient to say, that many things are done in those Courts which were committed to them by the *Civil Power*, as things that seemed most fitting to be done by *Ecclesiastical Persons*, tho' they might be done by others; for though this tacitly acknowledges a Nullity of what proceeds from their Spiritual Authority, yet I see not what Service it can do them as to what is intrusted to them by Secular Authority;

for if it were intruſted in them as Eccleſiaſtical Perſons, and as Eccleſiaſtical Perſons they ſtand excommunicate, I cannot ſee how they continue capable of exerciſing ſuch Eccleſiaſtical Juriſdiction: But let thoſe Perſons look after that who have or ſhall have any Suits there, or have occaſion to prove any Wills wherein they are intereſted, or the like; for if ever things ſhould come to Rights again, (which I hope is no hurt to wiſh,) if ſuch Matters were not confirmed by a lawful Authority, perhaps ſome who at preſent are proud of their Rebellion, and the Effects of it, may live to curſe the time that ever the *Mob made Kings*, or *a Dutch man Archbiſhops*. 2. Excommunication renders a Clergyman, ſo long as he continues in that ſtate, uncapable of any Eccleſiaſtical Benefice or Promotion; and if he attempt to take any, all means uſed to confer it upon him become ineffectual; a *Preſentation* of ſuch a one cannot be accepted; or if it be, his Inſtitution is void. They may chew the Cud upon this who have accepted any Preferments under theſe Schiſmatical Biſhops, for the obtaining of which they have taken Oaths, whereby they denied their lawful King, and conſequently then incurred an Excommunication *ipſo facto*. 3. It makes the whole Adminiſtration of his Miniſterial Office ineffectual: You can expect no Return of Prayers made with him with whom you ought not to communicate; the B. Sacrament confers no Benefit received from his Hands; he cannot authoritatively bleſs the People of God who is himſelf under a Curſe, and excluded from being a part of them. And here I think all thoſe who have joined themſelves to ſuch Perſons, to be highly concerned to lay their Hands on their Hearts, and conſider well what they have done in communicating with them hitherto, and whether they can think it ſafe to continue therein; for in communicating with them as they are Schiſmaticks, they make themſelves Schiſmaticks, and in communicating with them as they are Excommunicates, not only all their Labour is loſt, but they get a Curſe inſtead of a Bleſſing.

The matter were not altogether ſo bad, if this Cenſure extended only to Clergymen; but that a thorough Proviſion might be made to ſecure the Subject in Obedience, it ſpares none; and therefore I ſhall conſider how *Excommunication* affects Perſons in general, whether Lay-men or Clergy-men: 1ſt. Then, no *excommunicated* Perſon ought to be ſuffered to be preſent at the Service of the Church; and if the Miniſter who officiates, can no other ways get rid of him, he ought rather to break off and deſiſt, than to ſuffer ſuch a Perſon to join in Communion with his Flock. 'Tis indeed true, that he may be allowed to be preſent, when the Sermon is made, as ſuppoſed to make for his Information or Conviction; but even then he ought not to be intermingled with others, but to ſtand alone, and plainly diſtinguiſhed from the reſt of the Congregation: But to the Prayers ſuch Perſons never were nor ought to be admitted. 2dly. Every *excommunicated* Perſon is eſpecially debarred from being a Partaker of the Lord's Supper; and antiently if any Prieſt did adminiſter the Sacrament to ſuch an one before he was Canonically reconciled to the Church, (which originally was done by the Biſhop, or by Authority deputed from him,) he himſelf became liable to be depoſed, and no longer intruſted in the Miniſtry. 3dly. Whoſoever ſtands excommunicated, (*non errante clave*,) he is diſmembred and cut off from the Church, and conſequently deprived of thoſe Supplies and Succours which the Members receive by being united together in one Body, and by means thereof to Chriſt their Head; they are like Branches cut off from the Vine, there is no way or means

means left whereby any gratious Succours can be conveyed unto them, unless there be a Reinsition, and they be received and grafted in again. 4ly. Every excommunicate Person is under a heavy Curse; the Devil has a peculiar Power over him; so that his Condition is very deplorable and desperate, whilst he remains under that Sentence: Hence the Scripture styles it *a delivering unto Satan*, 1 Cor. 5. 5. and 1 Tim. 1. 20. and *Tertullian* calls it *summum futuri Judicii Præjudicium, the highest Presumption of what shall be his Sentence in the day of Judgment.* God will ratifie in Heaven the Sentence of his Church on Earth, when she proceeds against Offenders in vindication of his Laws and Ordinances. That Saying of our Saviour to his Apostles is enough to strike any Man with Horrour, who justly incurrs the Censure of the Officers of the Church, *Verily I say unto you, whatsoever ye shall bind on Earth, shall be bound in Heaven; and whatsoever ye shall loose on Earth, shall be loosed in Heaven.* Mat. 18. 18. 5ly. An excommunicated Person is or ought to be debarred from most of the Benefits and Comforts of civil Conversation; he is like a blown Dear, every one in the Herd, even for his own Safety, will push him from him; or like a Man that has the Plague, every one that would escape the Infection avoids him: But of this more presently, in its due place.

The *State* and *Condition* of a Person under the Sentence of Excommunication being thus briefly explain'd, I think it may be sufficiently dreadful to any who have any sense of Christianity, or apprehensions of the Wrath of God; and if this be the state of the Revolutionists, they have no great cause to brag of their Bargain; and if others did carry themselves towards them, as they ought to do towards Men in such a State, I am apt to think they would quickly hang their Heads, and, if their Hearts were not as hardened as *Pharaoh's*, very Shame would work in them remorse, and bring them to Repentance: But tho' I have little hopes of this, both Priests and People being so generally infected; yet to discharge my own part, I shall proceed in my Method before propounded, and shall now examine what ought to be the Behaviour and Carriage of other persons towards a person that is under *Excommunication*; and 1. All persons ought to stand upon their Guard against him, and not onely keep him from the publick Service, and drive him out of their Churches, as a Profaner of their Communion, and one who has no Right to it, and as one who is infectious and injurious to them, and makes their Communion ineffectual; but farther they ought to take care that they join not in any private Devotions with him, nor admit him to Prayers with them, tho' in their own Houses: I do not say but they may pray for, instruct, admonish, and endeavour what they can to reclaim such a one; but they must not pray with him, nor join in any other Act of Christian Communion with him. *Procul ite profani*, was proclaimed at the Celebration of the Heathen Mysteries; and do not the Christian Mysteries deserve much more Reverence and Awe? Ought we not as nigh as we can to have a care that we admit none of his Enemies, none that have notoriously provoked him, and not attoned their Crime, when we perform those Acts and Offices wherein we have Access to, and Communion with the great God of Heaven and Earth? I confess, that particular Persons ought not to take upon them by their own Authority to exclude any from Communion; but if they know any person to be guilty of a notorious Crime, or live in a scandalous Way, they ought to complain to proper Judges; but when the Church has pass'd her *Censure*

upon them, they have a kind of *Cain*'s Brand, and are marked out for all Men to avoid; it is our B. Saviour's own Direction to us concerning every such person, that he be unto us *as a Heathen Man, and a Publican*, Mat. 18. 17. and such, tho' they had been Emperours, the primitive Christians were so far from admitting to their Communion, that they would not so much as allow them to be bare Spectators; not only the *Honour*, but the very *Being of the Church* cannot be long upheld, if People will admit a mingle of such persons in divine Offices; and therefore heretofore if the *Church Censures* were not taken notice of, she *excommunicated* those who *received her Excommunicates*; and till her Discipline can be revived, her Doctrine cannot be secured. I desire all those seriously to consider this, who flock to the Parish Churches, where they not only joyn in Communion with Excommunicates, but the very persons, who perform all the Ministerial Offices, lie under the censure of Excommunication by virtue of the forecited Canon; what mad Men would turn their very Prayers, their Sacraments, and all their Christian Offices into sin? For thus they do, who take this course; nor do I value their upbraiding me with their numbers, for certainly we had never been forewarned, *not to run with a multitude to do evil*, if numbers could excuse us. Christ calls his Flock *little*, and I had rather be of it, when at the least, than of the Devil's monstrous Herd, even then when he boasted of a power to dispose *of all the Kingdoms of the World*.

The very nature of Christian Religion requires that the excommunicated Party be excluded from *Christian Communion*; but then farther, that they might make such weary of their sin, and shame them out of it, they would not afford them the benefit of civil conversation, Charity advising them by that means, if possible, to pull them out of the fire. Hence St. *Paul* bids us *Note* such a Man, *and have no company with him, that he may be ashamed*, (2 Thess. 3, 14.) Upon this account Christians were wont, as far as possible, to avoid all conversation with such; they would not willingly live with them under the same Roof, they would not eat with them at the same Table, and indeed the Scripture requires no less, charging us *with such an one, no not to eat*, (1 *Cor.* 5, 11.) they would not promiscuously use with them even those things which made for Health, as St. *John* would not wash with *Cerinthus* in the same Bath. They would not give them the common Complement or Salutation in the street; they would have no Traffick or Commerce with them, and many other things, which both for memory and warning sake, are briefly comprehended in this odd Verse. *Os, Orare, Vale, Communio, Mensa negato.*

And as their behaviour was thus towards them living, so if they persevered in their sin, they refused to allow them *Christian Burial* when dead. And indeed he that will obstinately persist in his evil course, and regard neither the Admonition, nor the Censures of the Church to his very death, deserves no better than the Burial of an *Ass*.

But that I may not seem to encourage *Christians* to outrun their Duty, I must not only acquaint them with what they may withold from such, but also what they may or ought to allow them; Excommunication doth by no means dissolve relative Duties, as that between Parents and Children, Husband and Wife, King and Subjects; but these Duties ought to be paid, if possible, more carefully than ever, that no offence be given to the excommunicate person, nor any encouragement to continue in his sin,

but

but rather all lawfull means uſed to win and draw him off from it; if Contracts or Bargains have been made with him, they muſt be performed; if Debts be owing to him, they muſt be paid; if either his or others Spiritual or even Temporal good may be ſignally advanced by a cautious temporary converſe with him, it ought not to be neglected, for no Man's lying under Excommunication, can warrant another to be either unjuſt or uncharitable. So likewiſe neceſſities of life, as Meat, Drink, Raiment, and the like, either for himſelf or his Family, ought to be ſold him for his Money; or otherwiſe miniſtred to him, if through extreme poverty he be not able to buy; nor can I ſee reaſon to condemn him who hath any commerce with an excommunicate perſon, if he be ignorant of his Crime, or the Law that condemns it under that penalty. The Duties and Allowances in this caſe have been generally comprized in much ſuch a Verſe as the former.

Utile, lex, Humilis, Res ignorata, neceſſe.

In ſhort, whatſoever Duties we owe them, muſt be duly paid; and in caſe of neceſſity, ſo far as the neceſſity conſtrains, civil Converſation or Traffick may be allowed, but then even theſe things muſt be done with mourning over them, letting them ſee that you do not countenance their ſin, and uſing all honeſt and fitting means to convince and reclaim them; but then no pretended neceſſity can excuſe you in ſuch a compliance, as to joyn with them in the Acts of *Chriſtian Worſhip* and *Communion*; for let the caſe be never ſo hard, there can be no neceſſity of ſinning; and ſuch communicating will be a very great ſin on many accounts, as admitting them to thoſe Offices and Ordinances, wherein they ought to have no ſhare, as entitling them to thoſe Benefits and Bleſſings to which they have no right, as being a downright contempt of the Authority of God's Church, and conſequently the ready means to deſtroy all Order and Diſcipline, and thereby to introduce Confuſion, and in the end to overthrow and utterly root out the Church it ſelf.

As the Sentence is dreadful and heavy in this caſe upon the guilty Perſons, ſo their Condition is ſtill the worſe upon the ſcore of the difficulty they lie under of being reconciled: For the Canon ſaith peremptorily, that no ſuch Perſon ſhall be *reſtored but only by the Arch-biſhop after his Repentance and publick Revocation of thoſe his wicked Errours.* Here are a gradation of Difficulties, all which they muſt paſs through; and even thoſe Men who love the Sin commonly hate the Shame, and will uſe all the ſhuffling Tricks imaginable to ſhift it off, tho' it naturally follow them; but here they are obliged to give God the Glory, and take the Shame to themſelves; they muſt not only repent but recant; and this muſt be done openly and ſolemnly, that the World may ſee, and take warning to avoid the ſame Wickedneſs: This is no ſmall piece of Mortification to proud rebellious Spirits, who for the moſt part (as we ſee by ſad Experience) will rather chuſe to run the hazard of their eternal Damnation, than to ſeem to leſſen their Eſteem and Reputation by acknowledging their Errors or Crimes; and yet when all this is done there is a Difficulty ſtill remaining: For they cannot be reſtored but *only by the Arch-biſhop.* So great a care hath our Church taken that Chriſtians might be good Subjects, and ſo highly did ſhe think her ſelf concerned what in her lay to make them ſo; ſhe did not think it her Buſineſs only to ſtand ſtill and look on, and cry it was a matter meerly of *Civil Concern*, whilſt Subjects roſe up in Rebellion, and dethroned, or ſo much as oppoſed or denied the true Rights and Authority

lity of their lawful King; but to ſhew her deep Senſe how ſcandalouſly the Chriſtian Religion was injured hereby, ſhe not only ſeverely cenſures ſuch Offenders, but alſo clogs their Reſtoration with great Difficulties, and makes it a *reſerved Caſe*.

I am not ignorant that the Biſhop of *Rome*, who graſps at and claims no leſs than all, has made Reſervations, till he has reſerved away in a manner the whole Authority of all the Biſhops in his Communion; but the beſt things may be abuſed, or uſurped upon: For in the firſt Ages of the Church we find Caſes reſerved, but then it was by Canons made in Council, where it was thought neceſſary for the benefit of the Church to reſtrain the exerciſe of Juriſdiction of ſingle Biſhops in ſome ſpecial Caſe; hence it was decreed that τὶ πρεσβῦτερον, nothing of moment ſhould be done without the Biſhop of the *Prime See*, whom we now call a Metropolitan or Arch-biſhop; and herein our Church hath trod in the Steps of the Primitive Fathers: For ſhe leaves the Biſhops their juſt Authority, and yet reſerves ſome matters of more univerſal Influence and concern to the Metropolitan; and that ſhe hath done it in this and ſome other caſes perhaps there are weighty Reaſons: As, 1ſt. To preſerve and ſecure the Diſcipline of the Church in matters of great importance and publick concern; Favour, Affection, Intereſt, or Importunity of Friends, might perhaps be apt to ſway ſometimes with the particular Biſhop, either to overlook the thing, or too eaſily to reconcile the Perſons; whereas the Metropolitan is leſs obnoxious to ſuch Motives: Beſides if he ſhould neglect to do his part, the Suffragan Biſhop would have juſt cauſe to complain, and deſire the exerciſe of his Jurisdiction in that particular to be reſtored, if the other anſwer not the end of the Reſervation; and thus they are made a mutual Spur to and Watch upon each other. 2dly. For more publick Satisfaction, the Crime may be notorious, and the Offence given to a whole Nation, or more; and if the Perſon ſhould be reconciled by his *Ordinary*, it might be known to few, and conſequently the Scandal remain; but being done by the Metropolitan it muſt neceſſarily be more notorious; the Party's Repentance will be more publick, and a more ample Satisfaction made for the Diſhonour done to the Laws of God and his Church. 3dly. For a particular Brand upon the Crime, and to teſtifie the Judgment of the Church as to her high deteſtation of it: For every one muſt think that ſhe hath a ſingular Abhorrence of that Crime which ſhe declares ſhe will not forgive but upon ſuch ſevere conditions. 4thly. For the more effectual puniſhing and reclaiming the Offender; he is by this means more ſurely held, and his Trouble and Pains much greater to get out of the Snare he hath run into: He muſt be more thoroughly mortified before he will ſubmit to ſuch open Penance and Recantation; and when it is over, its very being ſo well known will in all probability be a means to prevent his relapſing. Laſtly, The more powerfully to deter others, that they may not dare to run in that Wickedneſs which intangles Men with ſuch great Difficulties, and brings them to ſuch open Shame. Now as big and ſcornfully as our Adverſaries look upon us, I think I have proved that theſe are the Circumſtances they are under; and having done my endeavour to convince them of their Sin and Danger, I know not what I can now do more or better for them, than to pray to God to give them Repentance; they have not only brought a Flouriſhing Church into a moſt miſerable condition, but have razed the very Foundations and ſet her on no Bottom; ſhe is not only left at the diſcretion of the Secular Power, but proſtituted to the frantick Will and Humour of every

every Usurper; which is little better than putting God's Church under the Devil's Protection. The Breach of Promises and Oaths, the renouncing our natural Allegiance and Canonical Obedience are made no Sins, if the adhering to them should chance to bring us under any Inconvenience: And thus the Doctrine of the Cross so particularly entailed on Christianity is huff'd and scoff'd out of Doors. Men may join with the Devil to delude themselves and others, but certainly God will visit for such Sins as these, and sooner or later make such Sinners know themselves: May God in Mercy give them a sight and sense of their Sins, that they may repent and return, and God's Judgments averted, and our Breaches healed; tho' I abominate the Crimes, yet I have no ill-will to their Persons, and wish them reconciled; but as for the *methodus reconciliandi* I leave it to my Superiors, the proper Judges, who doubtless will faithfully assist and advise their Metropolitan how the Canon may be satisfied. And provided that some sort of Reparation were made for the Dishonour done to God and his Church, and the Wrongs done to the Lawful King; I should very readily acquiesce in almost any Terms, and rejoice to see an end of the sad Thoughts of Heart caused by the Divisions of *Reuben*.

I had here concluded, but that as I was penning these few Considerations News was brought me, that, after so long consulting and caballing, *Stillingfleet-Hody* was come abroad, laying about him like *Goliah*, knocking down no less than 6 or 7 at once, and making bolder Challenges than ever did that mighty *Philistine*: I did think my self as to my present Subject out of his reach, but not knowing what a Mad-man, who lays about him at all Adventures, might hit upon; I procured the Book: Now tho' his Principles well improved will vindicate any Villany, or destroy any thing honest or true, yet not finding my present Subject particularly affected; I shall dismiss him and his Book with only some few Observations, which may serve a little to stay honest Men's Stomachs till they can have a full Meal. The Jackdaw in the Fable set out with the Peacock's Plumes did never strut and bristle at half the rate as doth this Vain-glorious Fellow; and if every Bird should seize his own Feather, he might be left as naked and ridiculous as was his Emblem. The very Title is insolent and amazing: For what honest or modest Man would discourse and set up for *Sees Vacant by an unjust or uncanonical Deprivation?* For if the Deprivation be uncanonical, the Persons are not by Canon deprived; if it be unjust, the Law (and I hope there may be some Law left, tho' we have so little benefit of it,) affords every Man a Remedy against Injustice, and will help him to recover his right against it; and the very Plea which the Law assigns in this case, is *Ecclesia plena*, just opposite to his Vacancy: But right or wrong, if it be done *by a Power irresistible*, there must be a *Submission*. Now I would know what he means by *irresistible*; for properly speaking perhaps only God is so; but if by it he means a Power by any wicked means, and in any wicked courses become Superior to us and able to crush us, I think that then his new Notion will warrant us to comply with the Devil, if God in Judgment should let him loose upon us. The Proposition, which is the Key of his whole Book, and which he calls *a certain and self-evident Maxim*, is, *That whatsoever is necessary for the present Peace and Tranquillity of the Church, that ought to be made use of, provided it is not in it self sinful, and the ill Consequences which may possibly attend it, are either not so mischievous to the Church, or at least not so likely to happen, as the Evils we endeavour to avoid.* Now this, tho' in other Words,

Words, is the main Principle which the Author of *the Unreasonableness of the New Separation* founds his Discourse upon, by which any Man may guess at the Genius that runs through the whole Book: It is somewhat bold to call that *a certain and self-evident Maxim*, which depends upon so many Contingencies and Possibilities, and that also in such cases wherein Men for worldly Interest or carnal Security are too prone to judge amiss. But to pass by several Exceptions that might be made against it, he knows, that we deny not, but that Bishops in several cases may (I do not say are always bound) recede from their own Right for the real good of the Church; but then we say there are Cases, wherein they ought not to give it up for a pretended Peace or Good; and whether the present be not one of those Cases is the Dispute: To this purpose he ought to have proved much more clearly than he any where has, That Canonical Bishops are bound not only to quit their Churches, and give up the whole disposal of Church-Affairs to a Lay Usurper, but to renounce their *natural Allegiance*, and violate their Oaths, whenever they fall under an unjust Force; and farther to make it *self-evident*, that Perjury and Rebellion are matters in themselves not sinful. For all the Pretences, how specious soever, which are set up to take off the Obligations which we lie under, either as Subjects or Christians, are meer Shams and Impostures: For we are under no *necessity*, no *irresistible Force*, nay *not any Force* at all, except that of our *own Wickedness, Undutifulness, and Rebellion; the very return to our Obedience would be our Deliverance, our Duty would infallibly save us*, and put an end to all these Miseries and Confusions, unless such a senseless Imagination could possess Mens Brains, that a *little shrivled Thing* with a *crooked Nose* could be too strong for all *England, Scotland*, and *Ireland*, and the Dominions thereunto belonging: They will never say any thing to the purpose in the present Case, till they prove that Men may plead their own Sins in their Justification, and that having engaged themselves in wicked Courses, they are thereby authorized to go on, and do worse. As to the incomparable Vindicator, he in a Bravado tells us *That he shall answer all that he has said, or ever will be able to say, &c. chap. 4. pag. 41.* One would suspect that this Man had a mind to invade the Prerogative of God Almighty, and pretend to Omniscience; Did ever any Man, tho' endued with a Spirit of Prophesie, pretend to know *all that ever another will be able to say?* For his own sake he ought to have used more Modesty towards a Person, who has as much Learning and an hundred times more Honesty and Goodness than he and all his *Confederates*. But he tells us, that his *Eye is particularly on the Learned Vindicator*; and to him I am willing to leave him: For tho' he may justly glory in so great an Adversary, as being too great an honour to him; yet I make no question, but that all he will gain thereby will be to necessitate that Learned Person to expose him to open Shame.

I should wrong these *few Considerations*, if I should farther wander after a Treatise, in the contriving of which more Persons have been concerned than Mr. *Hody*'s Name hath Letters; and if Persons will not suffer themselves to be suddenly carried away with vain Boasts and super-fine Sophistry, I doubt not but e're long they will see that this *Swaggering Wadhamite* has to do with Men that will not flinch, as having a Cause so good, that they are neither afraid nor ashamed to maintain it: In the mean time, retaining my former Principles, I have added another Foot for the Cause to stand upon, which if it prove good, they must be cast, notwithstanding whatever Mr. *Hody* or any other hath hitherto pleaded in their behalf, and I think it the more pinching, in that they are obliged to acquit themselves against the Church of *England* and her Canons, which have cast them out; and till they can get off, in that State I leave them, with the same Prayer commonly used for Men that have the Plague, *The Lord have Mercy upon them.*

FINIS.

CONSIDERATIONS (9)

UPON THE NG

Second CANON

In the BOOK Entituled

Constitutions and Canons Ecclesiastical, &c.

By Samuel Grascome

LONDON,
Printed in the Year MDCXCIII.

CONSIDERATIONS

UPON THE

Second Canon, &c.

SO various and fickle are the Circumſtances of Life, and ſo ſhort and full of Incumbrances is it at the beſt, that it were not worth while to be Man, had he not a God to ſerve, who could reward him with future Happineſs; and God having made this Life a ſtate of Probationerſhip, wherein Man is upon his good Behaviour, and according to his Demeanour here ſhall either be recompenced with Eternal Bliſs after this painful Life ended, or fall into endleſs Miſery: Upon this account Religion becomes more dear to him than all the things of this World put together: *For what ſhall it profit a Man to gain the whole World, and loſe his Soul?* But then Religion being the Worſhip of God according to his Will; that it may be our Guide to Heaven, it muſt not be ſought for in our Fancies, but from his Revelations and Diſcoveries; we ſhall deceive our ſelves, and cheat our ſelves out of our precious Souls, if we will make a Religion by ſtarting new Notions, and ſetting up Novelties; our Buſineſs is to find out the good Old way, and walk in it, deny our ſelves, and to dread and abominate the running a whoring after our own Inventions; and firmly to adhere to the Religion our Bleſſed Saviour hath left us, in which alone Salvation is to be obtained: And therefore, though not only the ſmootheſt Deceivers, but an Angel from Heaven ſhould teach us any other way, we ought not only to turn the deaf Ear upon their Perſwaſions, but account them accurſed. Now the Subſtance of what our Saviour taught, his Apoſtles and Evangeliſts wrote; but by reaſon of the diſtance of Time, the different Cuſtoms of Countries, the ignorance of the Occaſions, whereupon many things were wrote or ſpoken, and divers like Matters; in caſe of difficulty it ſeems to be the ſureſt way to have recourſe to thoſe Apoſtolical Perſons, and their Succeſſors treading in their Steps, and to thoſe firſt planted Churches, who, by reaſon of their nearneſs to the Apoſtles times had the beſt opportunity to underſtand their meaning, and alſo being continually under ſuch ſevere Perſecutions or Expectations of them, that they had no other hopes or comfort but Heaven, could not with any reaſon be thought to have any temptation or itch either to be inſincere in themſelves, or unfaithful to others: And in the great Degeneracy of the preſent

Christian World I think I may be bold to say, that, relation being had to her Constitutions, no Church in the Universe came nearer to the Primitive Pattern than the Church of *England*, which hath made her both the Envy and the Mark of all sorts of Sects and Parties; but this though it might and did cause her much trouble, yet by rendring her more wary and industrious, more careful of her Constitutions, and more watchful over her Members, perhaps did rather contribute to her Preservation than Destruction; in all likelihood not all their Malice could have prevailed against her, had not Vipers within her eat out her Bowels, or she by turning her Hand against her self become a *Felo de se*; and to this the present fatal Schism hath well near brought it: The *proud swelling Swearers* have carried away the greatest part of her Members, and whilst they hug themselves in their Wealth and Wickedness, are become the Scorn and Derision of the meanest Sectaries and wildest Fanaticks: And as for those who have retained their Integrity, and with whom the true Authority remains, the haughty Schismaticks insolently reproach them, as too few to bear the weight of so great a Cause; and indeed in the Eye of Humane Reason it could not be thought that they could long hold out against so many, who thirst for their Blood, were not their Cause God's Cause, who can support them notwithstanding the violence of any Arm of Flesh, and doubtless will, if they be not wanting to their own part. But after all, perhaps the *boasting Apostates* may deceive themselves in the fewness of their number: For though the Clergy to the Eternal Shame of the Deserters be not exceeding numerous, yet they are pious, learned and stout; and their Adherents, as they are more, than their Adversaries could wish or are aware of, so are they steady, devout and sober; and Men now begin so generally to see through the Mask, that they daily more incline to the one, and become more averse to the other: Neither are there wanting multitudes of sober Men abroad, who are highly concerned for their Case, as may in part appear by a Letter out of another Kingdom, which hath occasioned the ensuing Discourse, the Contents whereof (so far as concerns this Matter) are *Verbatim* as followeth.

SIR,

I *Confess my self very much a Stranger to the Constitution and Policy of the Church of* England; *I humbly crave Pardon therefore, if this Line is useless; if it proves useful, I have my Reward.*

I have seen some of those excellent Books, which have been lately written in defence of the present Separation from the complying Church of England. *I am fully satisfied, that it is defended on very firm Grounds: Yet one Topick there is, which I have not observed made use of; it is this:*

The second of those which are commonly called the Canons of the Church of England, *declares all those excommunicated* ipso facto, *who do not own the King's Authority, &c.*

By

By King, That Person is to be understood, (according to the undoubted Principles of the Church of England) *who is possest of the Throne according to the Civil Constitution of the* English *Hereditary Monarchy: Whosoever disowns his Authority, &c. by the Canon incurs the Sentence of Excommunication* ipso facto.

Excommunication ipso facto, *or* latæ sententiæ, (*as they call it,*) *must needs import at least, That the Church of* England *declares those to be none of her Communion, who publickly, notoriously, and obstinately disown such a King's Authority: Such ought to be deemed and treated as Excommunicates, without farther judicial Process or Sentence. The Nature of* ipso facto *Excommunication cannot bear less, as is evident to all who know any thing of the Canon Law, by which that is made the proper difference betwixt* Excommunicatio latæ *and* ferendæ Sententiæ.

From these Grounds it seems to me to follow pretty naturally, That King James *has either quite lost his Right, or the Compliers, the Jurors, the Revolutionists, (if I may so call them) are not, cannot be the Church of* England; *so that the main of the Controversie hangs much on this* Dilemma: *Either King* James *has lost his Right, or he has not; if he has, and King* William's *Right is good, the Non Jurors or Anti-Revolutionists are excommunicated* ipso facto *by the Canon, and may be charged with the horrid Guilt of Schism: But if he has not lost his Right, then the Jurors, the Revolutionists are excommunicated* ipso facto *by the Canon; by consequence they cannot be the Church of* England, *they have incurred her Censures, are cut off from her Communion, her sound Members ought not to communicate with them: And the Anti-Revolutionists, how few soever, are the only Church of* England. *I have stated this Reasoning but very briefly, you may easily examine it more fully; and if it holds, I have my purpose: For when it is enquired into and found solid, it may deserve its proper place in some Book or other, that may after this be written on the Controversie. Besides, it may be useful for obviating that popular Plea against the Separation, That the Original Question is only of Civil Concern, and ought not to affect the Interests of the Church: For from these Grounds it appears, that in the Opinion of the Church of* England, *which made the Canons, it was of such concern, as to have the highest Censures of the Church interested in it, and to be made a fundamental term of her Communion. If after it is examined by Men of better Judgment, and better skill'd in the concerns of the Church of* England, *it shall, &c.*

The Canon, to which the Author of the Letter refers.

'WHosoever shall hereafter affirm, that the King's Majesty hath not 'the same Authority in Causes Ecclesiastical that the Godly Kings 'had amongst the Jews, and Christian Emperors in the Primitive Church, 'or impeach in any part his Regal Supremacy in the said Causes restored to 'the Crown, and by the Laws of the Realm therein established: Let him 'be excommunicated *ipso facto*, and not restored but only by the Arch-'Bishop after his Repentance, and publick Revocation of those his wicked 'Errors.

Before

Before I come to explain the intent and force of this Canon, I think it convenient to set down a Position in the first Canon, which *all Persons having Cure of Souls, and all other Preachers and Readers of Divinity* are obliged *to the uttermost of their Wit, Knowledg and Learning, purely and sincerely, (without any Colour or Dissimulation) to teach, manifest, open and declare four times every Year at the least.* And whether this hath been done, or, if done, with what Sincerity by the greatest part, let the World judge by their present and late Actings. And it may be farther observed, that this Position is levelled as well against all Civil as Ecclesiastical Foreign Powers, as may appear not only from the Words in it, but from our Laws and Statutes, (which shall hereafter be produced,) which this was designed to strengthen and confirm, That the Spiritual Sword might afford what assistance it could to the Secular, and both Powers concur to secure the Lawful Supream Governour, upon whose Safety and Welfare the Well-being of both so much depended.

The Position in the first Canon.

" That all Usurped and Foreign Power (forasmuch as the same hath no " establishment nor ground by the Law of God) is for most just Causes ta- " ken away and abolished; and that therefore no manner of Obedience, or " Subjection within his Majesty's Realms and Dominions is due unto any " such Foreign Power: But that the King's Power within his Realms of " *England*, *Scotland* and *Ireland*, and all other his Dominions and Countries, " is the highest Power under God, to whom all Men, as well Inhabitants, as " born within the same, do by God's Laws owe most Loyalty and Obedi- " ence, *afore and above all other Powers and Potentates in Earth.*

I do not deny, but that the Usurpations of the Court of *Rome* were the occasion of laying down this Position; but then though the occasions of Laws or Canons are particular, yet the Law or Canon it self is general against all Mischiefs whatsoever of the like kind. If the occasion of the first Law against Murder had been the cutting a Man's Throat, no State whatsoever would be so weak as to make a Law only against cutting of Throats, and leave bloudy Men free to use all other ways; but their Law would be made general to prevent the killing any Man either with Knife, Sword, Pistol, Fists, or any other way or means whatsoever; otherwise at this rate we must have a particular Law for every particular Fact: It were a ridiculous thing to make a Fence against the Encroachments and Usurpations of the *Roman* Court, and to leave open a wide Gap for all others to enter in at pleasure. For though we may justly have particular Apprehensions of the All-assuming Man at *Rome*, yet we have the same reason against all Usurpations, as being equally pernicious to us from what Quarter soever they come.

But

But that we may come nearer to the Buſineſs, both this Poſition and the fore-cited Canon are equally acknowledged by both Parties engaged in the preſent Controverſie; both Non-Jurors and Jurors aſſert themſelves to be the Church of *England*, and lay claim to the Canon as a Canon of their Church; if therefore the Canon be violated, there can be no Cotroverſie betwixt either Party, but that the Penalty mentioned in the Canon belongs to the Violators; ſo that if either Party appear guilty, the Penalty muſt be fixed by conſent. Now for both Parties to get quit of it is impoſſible; this Thunderbolt muſt unavoidably fall upon the one or the other: For if King *James* be our true and lawful Sovereign, then the Regal Authority is his; and conſequently the Supremacy, which is the choiceſt and top Branch of that Authority; and if ſo, then the Jurors, who not only deny King *James*'s Supremacy, but have to their Power diveſted him of all Authority, muſt inevitably ſtand excommunicated *ipſo facto* by vertue of this Canon, the force of which themſelves acknowledg. On the other hand, it is not to be doubted but the Jurors will not be wanting to themſelves in charging the Non-Jurors with the ſame Guilt, for not worſhipping the Idol which they have ſet up, and which hath been more chargeable than ever was *Nebuchadnezzar*'s Golden Image. Now the Mighty Dr. *Sherlock* tells us, *That we cannot have two Kings at once*; and though I am not ſatisfied, that the Doctor's Propoſition is univerſally true, (for *David* cauſed *Solomon* to be anointed and proclaimed King in his Life-time without diveſting himſelf, and the like did our King *Henry* II. to his no ſmall Trouble;) yet in this Caſe where the two Titles claſh and mutually deſtroy each other, ſo that if the former be Rightful King, the latter muſt be an Uſurper; if the latter have acquired a Right, the former muſt have loſt his; there it is moſt certain that we cannot have two Kings at once. Now for their New-faſhion'd King, they may take the beſt care of him they can; that which lies on us is to prove the Right in King *James*, which even Dr. *Sherlock* acknowledgeth; and that very thing makes his *de facto* King to be but another Name for an Uſurper: For a bare *de facto* King is no more a King, than a Poſſeſſor *male fidei* is the true Proprietor of an Eſtate, which he hath unlawfully and unjuſtly thruſt himſelf into. Now the Right being ſuppoſed, the Powers and Authorities are inſeparably annexed to it, though by prevailing Wickedneſs, or other Means, the Exerciſe may for a time be ſuſpended; and then the denying or oppoſing this Authority doth incur the Cenſure of this Canon. Now that King *James* is our Lawful Rightful King hath been clearly proved by ſo many learned Pens, that I may well ſpare my pains; and therefore ſhall take notice of it only as it were *in tranſitu*, and ſo far forth as is needful to make for the directing the Cenſure of this Canon, and explaining it.

Several Pleas are ſet up by our Adverſaries, to prove that King *James* hath loſt or ſome way or other quitted his Title; but as moſt of their Pleas fall foul upon each other, and as deſtroying one another cannot be all true, ſo neither dare they tell us which they will ſtand to; that which deſerves

to come in the Van is the Plea of a juſt *Conqueſt*, which ſwallows up not only the Title of the King, but the Rights of all the Subjects; and this no doubt will make a brave Deliverance from Slavery: I cannot tell whether this way of arguing be more baſe or bold; yet herein amongſt others have engaged themſelves the *Welſh Prophet*, the *Scotch Apoſtle*, and (leſt the Mountebanks ſhould want their Zany) the *Biſhopſgate-ſtreet Doctor*, who whilſt he thought himſelf fallen under Diſgrace with his Maſter, and neglected, began to bellow, *What! two Kings, two Arch-Biſhops? &c.* but ſee how great is the Policy in underſtanding the Proverb, *da offam Cerbero:* For no ſooner was an Offer made of a good fat Prebend, but the Fowl not only came to the Lure, but Ingratitude undertook to rake into poor martyred Mr. *Aſhton*'s Aſhes, and anſwer his dying Speech: But it ſeems to be much ſafer medling with the Dead than the Living; for though he hath been ſomewhat roughly handled for this by the Author of the *Loyal Martyr*, yet ever ſince he hath been as mute as a Fiſh. But after all there is no Anſwerer like a thing called a Parliament; they do it effectually, as Dr. *Burnet* to his great Mortification now very well knows: And though this be indeed only *argumentum ad hominem*; yet it is enough for me here, becauſe our Adverſaries muſt acquieſce in it: For they who own a Government, muſt not, ought not to ſet that Government upon ſuch grounds, as the Government it ſelf not only diſowns but condemns: And ſo Farewel *Conqueſt*.

The next celebrated Argument is a Jumble of *Deſertion and Abdication:* But this, if it were true, would not do their work. For he that deſerts or abdicates, deſerts and abdicates for himſelf; the Rights of others are ſaved, it lies not in his Power to give them away: So that if it could be ſuppoſed, that King *James* had abdicated or deſerted, yet that would give *William* and *Mary* no Right, unleſs they had it elſewhere; for upon ſuch Abdication or Deſertion, our Conſtitutions had immediately ſet the Crown upon the Head of the next Heir: And there is one before them, againſt whoſe Innocence nothing can be pretended; and it is the heighth of Impudence to blaſt ſuch Innocence with the Name of an Impoſture, and never offer the leaſt proof of it, though they have been ſo often provoked and dared to it. If therefore King *James* had really and truly abdicated or deſerted, then the Prince of *Wales* at that inſtant had become our King. Now they deny the Authority of the Son, as well as of the Father; and therefore either the one way or the other muſt be entangled in this Cenſure. But after all, the Aſſertion it ſelf is a notorious ſhameleſs Falſhood: For a Deſertion in this caſe muſt be altogether voluntary, and ſo voluntary, that there ought not in reaſon to be thought, that there was at that time ſo much as *animus revertendi*; nay let it be never ſo voluntary, yet an Author of their own, (who thinks himſelf no ſmall Babe, and was no idle Promoter of the Revolution,) will not allow it to be good in Law, unleſs an *Huy and Cry* be ſent after him, and forty days notice being given, he refuſe to return. But how will this agree with his Propoſal to the City by the Biſhop of *Wincheſter?* With his Letter

Letter from *Rochester?* With his Letter to the Convention? With his landing in *Ireland*, and using all Endeavours to regain his Right, though betrayed and beaten back by his faithless Subjects? And with the imploring the aid of his Friends, and the claiming his Right, and calling upon his Subjects to return to their Allegiance, and come in to his Assistance? Which they can prove that claiming is renouncing, and that the utmost endeavour a Man can use to regain his Right is the real and absolute quitting of it, then they may prove this to be Desertion: Certainly these Men never knew what blushing was. As for Abdication in this place it must be understood actively, as a Man is said *abdicare se Magistratu*; but that requires a formal Renunciation or Resignation: But why is it not produced? Or rather, Why have not these Men, who think at nothing, forged one in all this time? Though it will be very difficult to impose upon Men with a counterfeit Resignation of a Man, who apparently all along hath so strongly and constantly claimed: But I need not insist on this any longer, because the very Arguments which confute Desertion, destroy Abdication; of which any may read enough to their Satisfaction in *Desertion discuss'd*, and many other learned Tracts handling that Subject.

There is another Mongrel Plea set up by the *de facto* Men; I know not well what to call it, nor to what Topick to refer it. These Men without any regard to Conscience, Faith, or common Honesty, are for securing their Worldly Enjoyments, and making their present Markets; and they boldly tell you that you are bound in all things to obey *the King in Possession*: But what if a *King in Possession* should prove a Contradiction *in terminis?* When a Person is in Possession of a Throne without Right, and in opposition to a just Right, all the World hath hitherto accounted such an one an Usurper, not a King; but with these Men, all the World before them were Fools: For if they say true, there can be no such thing as an Usurper. But this is the least evil of this perfidious Notion: For it turns the World into a bloudy Theatre, makes every thing a Prize to every Man, who by fighting, scrambling, cheating, or any other means can get Possession of it; destroys the nature of Right and Wrong; resolves all Right into Possession; and renders all Laws both Divine and Humane (so far as relates to Property) unnecessary, useless, and insignificant.

But I may very well spare any farther pains in this particular; because of late their much admired *Julian Johnson*, though he is pleased so liberally to make a *Sacrifice* of the *Doctrine of the Cross*, yet hath very pleasantly, and indeed soundly confuted the whole Croud of all his Brethrens Arguments; and thereby to their great grief bereaved them of all their Topicks, wherewith they were used to blaspheme God in the Pulpits on their Mock-Thanksgiving-Days. Nor doth his Performance seem any way displeasing even to the Government it self: For though his Book was presented openly at the Parliament-Door, yet it not only stands uncensured, but is thought to have been the great occasion, that the *Salisbury Dictator*'s Book was doom'd to be

burnt by the hands of the common Hangman. But to make some amends for this triumphant Squander he hath set up a Plea of his own; and indeed to do him justice, he hath bid the fairest to set the present Government upon some bottom, if it could be possibly set on any: For if he could make it appear, that the late Proceedings were warranted by our Constitutions, he would speak more to the purpose than all that hath been said hitherto; but I doubt not but to make it appear, that our Constitutions utterly overthrow his Plea.

Now this knocking Argument, which will suffer nothing to stand before it, is only *Abdication* still; but then it is indeed a Passive Abdication, wherein the Person abdicated is a Sufferer, and is abdicated not by his own act, but by another, who hath a certain Right in him, and Superiority over him; as a Father is said *abdicare Filium*. He seems inclinable rather to call it Abrogation, than Abdication; a Word which seems harsh with respect to Persons, though proper as to Laws; and yet in the Verb is sometimes used in that Sense by later Historians; but *abdicare* properly respects Persons. However to his purpose he tells us, *That the People of* England *did actually abrogate or dethrone King* James *the Second for Misgovernment, and promoted the Prince of* Orange *in his stead*. By the *People* I suppose he means not the diffusive Body, but their Representatives; for as the former seems impracticable, so it is evident that the Feat was done by what they called a *Convention*; and afterwards ratified by what they call a *Parliament*. But herein he and his Masters cannot agree; for they put it upon an Active Abdication, which *Julius* seems by no means willing to allow: For they say expressly, *That King* James *abdicated the Government, and that thereby the Throne became vacant*. So that all they pretend to is to supply a Vacancy, (whether there can be any such thing by our Constitutions in our Government, I do not here dispute,) and provide a Remedy against a grand defect, when there was no King in *Israel*; and in that very place, where he cites the Word *abdicate* in *Tully*, it is taken in an Active Sense: For after they had driven away their Kings, the highest share of the Regal Power was conferred on the Consuls; and when *Mark Anthony* offered a Crown to *Cæsar*, if he did not *expressly*, yet he *effectually* renounced his Consulship: For had *Cæsar* accepted it, he could no longer have been the Consul of a popular State, but must thenceforth have acted by Authority from *Cæsar*, or not at all: So that this would have been no Forfeiture, but a real giving up his Power. But contrary hereto Mr *Johnson* fairly makes King *James* tenacious enough of his Authority, and tells us, that the People *abrogated and dethroned him*; a Power which the Convention knew not of, nor did so much as pretend to: they had done wisely, if they had consulted this Learned Man to understand their own Power, before they had gone about their work. For though he contradicts them, yet he makes them much greater than they were aware of; and hath not only set the Subjects above the Sovereign, but hath advanced the House of Commons into the place of the Almighty God of Hea-

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ven, giving them Power *to pull down and set up Kings*, as they shall judge fit and convenient.

But I hope we are not so bound to follow Mr. *Johnson* with an implicit Faith, but that we may examine upon what Grounds he hath given Subjects such a Paramount Authority over their Sovereign: And for this he urges in the first place, a Message to King *Richard* the Second, then at *Eltham*, wherein his Parliament averrs, that in the case there mentioned, it is lawful for them *ipsum Regem de regali solio abrogare, & propinquiorem aliquem de stirpe regia loco ejus in Regni solio sublimare*: And for this Power in the same Message they plead only an *unknown Statute*, and the infamous Precedent, and barbarous usage of *Edward* the Second. Had not Discontent and Anger blinded them, they would have been ashamed of their Precedent; and for their Statute, neither they nor any other have transmitted it to us: So that it seems they durst not trust any with the examination of it. But, if he please, to make amends for that Defect, I will recommend to Mr. *Johnson*'s second Thoughts a known Statute in the Reign of the same King *Richard* the Second; wherein it is judged *High Treason for any Person to compass the King's Death, to depose him, or make War against him within the Realm, or to render up his Homage*, 21 Ric. 2. Where we shall find his Statute I know not; but this is to be found in our Statute-Book, and in the same King's Reign, against whom he sets up a contrary Plea: If no Subject can render up his Homage, (which by the way I take to be much the same with Dr. *Burnet*'s *transferring his Allegiance*, wherein of late he hath had too many Followers,) nor raise War against his Prince, nor depose him, without being condemned by the Law for a Traitor; I would fain know how he will reconcile his unknown Statute to this known one.

We are hard put to our Shifts when we are forced to run eight hundred Years backwards for a piece of a Sentence that may seem to look favourably on our Cause; And what good at last will King *Alfred*'s Stile do him, *Dei Gratia & Benevolentia West-Saxonica Genitus*? I confess he has a hard Task, and bad Game to play, who, through the Artifices of designing Knaves, labours under the ill Opinion and hard Thoughts of his Subjects; and it was a singular Happiness to King *Alfred*, that he had the *Good Will* and the very Hearts of his People: But though King *Alfred* for his Piety, Justice, and Bravery, might stand for an eternal Pattern to all Kings that come after him; yet no Person that ever sat on the *Saxon* or *English* Throne ever acted with a freer or fuller Power than he did, as will plainly appear to any that read his History: Nor indeed was it possible for him to have done those great Things which he did, had he been shackled with those Fetters which our Demigognes endeavour now to hang upon Kings, with pretence indeed to curb their Extravagancies, and restrain their exorbitant Power, but with a real design to drive out all Kings, and introduce a Democracy, nick-named a Common-wealth, the most unquiet, troublesome, and most arbitrary and tyrannical of all Governments.